



DATE: April 16, 2012

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – April 25, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 25, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Grants Program & Policy Committee

1. **Biennial Budget Request** – The Board is requested to approve the Biennial Budget Request policy and authorize staff to implement this new approach to agency grant programs. **DECISION ITEM**

Metro Water Planning Committee

1. **Mississippi WMO Plan Amendment** - The final draft Amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 20, 2012. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment per the attached draft Order. **DECISION ITEM**
2. **Ramsey-Washington Metro WD Enlargement Public Hearing** - The Cities of Roseville and Shoreview submitted a Petition to enlarge the Ramsey-Washington Metro Watershed District pursuant to Minn. Stat. § 103D.261. The Petition was accompanied by resolutions of concurrence from the two affected cities. The proposed enlargement would expand the District into the area of the soon to be dissolved Grass Lake WMO. Minn. Stat. § 103D.261, subdivision 2, subitem A, requires a public hearing be held before the Board makes a decision on the Petition. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order. **DECISION ITEM**

Benidji

4 West Building
403 Fourth St. NW, Suite 200
Benidji, MN 56601
(218) 755-2600

Brainerd

1601 Minnesota
Drive
Brainerd, MN 56401
(218) 828-2383

Duluth

394 South Lake Ave.,
Room 403
Duluth, MN 55802
(218) 723-4752

Fergus Falls

1004 Frontier Drive
Fergus Falls, MN
56537-2505
(218) 736-5445

Marshall

1400 East Lyon
Street
Marshall, MN 56258
(507) 537-6060

Mankato

1160 Victory Drive S.,
Suite 5
Mankato, MN 56001-5358
(507) 389-1967

New Ulm

261 Highway 15
South
New Ulm, MN 56073
(507) 359-6074

Rochester

2300 Silver
Creek Rd N.E.
Rochester, MN 55906
(507) 206-2889

Central Office / Metro Office

520 Lafayette Road North

Saint Paul, MN 55155

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3. **Wright SWCD Nomination Districts** - The Wright SWCD currently has nomination districts for supervisors. The attached Nomination Districts Resolution does not change the current nomination districts, rather it clarifies them. The Wright County Auditor requested clarification due to the expansion of rural cities over the years. The resolution clarifies that the nomination districts remain along township lines regardless of city boundaries. The Wright SWCD Board of Supervisors unanimously adopted the resolution. The Metro Water Planning Committee based on a unanimous vote recommends the Board approve the Nomination Districts Resolution per the one sentence resolution immediately under the signature of the Wright SWCD Secretary. **DECISION ITEM**

Northern Water Planning Committee

1. **Buffalo Red Watershed District Enlargement and Increase of Managers Petition** - The Enlargement and Increase in Number of Managers of the Buffalo Red River Watershed District (BRRWD) was held February 23rd as a result of the January 4, 2012 petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing, Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. The Northern Water Planning Committee met April 11, 2012, reviewed and recommends approval of the enlargement and increase in the number of managers petition of the BRRWD. Increase the number of managers to seven with the distribution of: 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years. **DECISION ITEM**
2. **Crow Wing SWCD Supervisor Boundary Change Request** - The Crow Wing Soil and Water Conservation District is requesting that BWSR approve a change to Supervisor Nomination Districts. At their January 18, 2012 regular board meeting, the Crow Wing board of supervisors voted to change the boundaries of supervisor nomination Districts 3 and 4 (see attached map). The purpose of the change is to have the Whitefish Chain of Lakes entirely within one nominating district (District 4). This would be achieved by the City of Crosslake from District 3 and placing it in District 4. **DECISION ITEM**
3. **Isanti County Five Year Plan Amendment** - On June 30, 2006, the Board of Water and Soil Resources approved Isanti County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by May 2011. On April 20th, 2011, the county passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on December 5, 2011. The Northern Water Planning committee met on April 11, 2012 where they reviewed the plan amendment and recommended approval of the amendment through May 31, 2016. **DECISION ITEM**
4. **Itasca County Local Water Management Plan Amendment**- Itasca County submitted their amended Local Water Management Plan for final state review and comment. The Northern Water Planning Committee met April 11, and recommends approval of the Plan amendment. **DECISION ITEM**
5. **Polk County Local Water Management Plan Update** - The Northern Water Planning Committee met on April 11, 2012 to review the Polk County Plan Update and recommend approval. The Polk County Local Water Management Plan is identified as a 10-year plan with a review of the Plan in five years. **DECISION ITEM**

NEW BUSINESS

- 1. Minnesota Conservation Corps Apprentice Program** – The Conservation Corps of Minnesota and Iowa partners with BWSR for Clean Water Funding and the highly successful SWCD Apprentice Academy. The Apprentice Academy transfers knowledge from experienced professionals to the next generation of conservation managers. Real-world experience gained with SWCDs during their busy construction season is experience textbooks cannot convey. Len Price and James Adkinson will present the results of year one and address where the effort will go in 2012, 2013, and 2014. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on April 25th!

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 25, 2012**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 28, 2012 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

INTRODUCTION OF NEWLY APPOINTED BOARD MEMBERS

- Joe Collins, WD Representative
- Jack Ditmore, Citizen
- Steve Sunderland, SWCD Representative

INTRODUCTION OF NEW BWSR STAFF

- Angie Becker Kudelka, Organizational Effectiveness Director
- Tim Dykstal, Fiscal Compliance Director
- Misty Pellerin, Accounting Officer

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Biennial Budget Request – Dave Weirens – ***DECISION ITEM***

Metro Water Planning Committee

1. Mississippi WMO Plan Amendment – Bob Burandt and Brad Wozney – **DECISION ITEM**
2. Ramsey-Washington Metro WD Enlargement Public Hearing – Melissa Lewis – **DECISION ITEM**
3. Wright SWCD Nomination Districts – Jim Haertel – **DECISION ITEM**

Northern Water Planning Committee

1. Buffalo Red Watershed District Enlargement and Increase of Managers Petition - Ron Shelito and Pete Waller - **DECISION ITEM**
2. Crow Wing SWCD Supervisor Boundary Change Request – Quentin Fairbanks – **DECISION ITEM**
3. Isanti County Five Year Plan Amendment – Quentin Fairbanks – **DECISION ITEM**
4. Itasca County Local Water Management Plan Amendment – Quentin Fairbanks - **DECISION ITEM**
5. Polk County Local Water Management Plan Update – Quentin Fairbanks – **DECISION ITEM**

NEW BUSINESS

1. Conservation Corps Minnesota & Iowa Apprentice Program – Len Price and James Adkinson - **INFORMATION ITEM**

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next Board Meeting – May 23, 2012

Noon

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 28, 2012**

BOARD MEMBERS PRESENT:

Bob Burandt, Chris Elvrum, MDH; Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Todd Foster, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Dave Schad, DNR; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

John Meyer

STAFF PRESENT:

Mary Jo Anderson, Don Buckhout, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jeff Nielsen, Dave Weirens

OTHERS PRESENT:

Jim Leach, Josh Eash, Gregg Knutsen, U.S. Fish & Wildlife Service
John Linc Stine and Suzanne Rhees, MPCA
LeAnn Buck, MASWCD
Steve Sunderland

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

**** ADOPTION OF AGENDA** – Moved by Quentin Fairbanks, seconded by Matt Wohlman,
12-18 to adopt the agenda as presented. Motion passed on a voice vote.

**** MINUTES OF JANUARY 25, 2012 BOARD MEETING** – Moved by Paul Langseth,
12-19 seconded by Keith Mykleseth, to approve the minutes of January 25, 2012, as
circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported that he appointed new Committee chairs: Jerry Van Amburg is chair of the Dispute Resolution Committee and the Wetlands Committee; Paul Langseth is chair of the Grants Program and Policy Committee; and Gene Tiedemann is chair of the RIM Reserve Management Planning Committee. Chair Napstad thanked them for serving as chair of the Committees.

Chair Napstad attended the EQB meeting last week; discussions continue regarding the Governor's Executive Order on environment and natural resources permitting process. BWSR and other agencies are providing staff to work on the process and products which are scheduled to be completed by September. Chair Napstad stated that he was asked by Pine County to discuss recommended modifications to the Wetland Conservation Act. Chair Napstad attended the AMC legislative meeting last week in St. Paul. Julie Blackburn attended and presented the BWSR legislative update.

Chair Napstad stated that BWSR board members have received the annual evaluation form for the executive director's review. Bill Eisele is collecting the evaluations; Chair Napstad and Vice-Chair Van Amburg will conduct the executive director's review and convey results at an upcoming Board meeting. Chair Napstad announced that the Governor has made new appointments to the Board. Sandy Hooker has been reappointed as township representative; Jack Ditmore appointed as citizen member; Steve Sunderland appointed as SWCD representative; and Joseph Collins appointed as watershed representative. Chair Napstad will be making committee assignments. He asked board members to let him know if they have an interest in serving on a specific committee.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning with newly appointed committee members Paul Langseth, Gene Tiedemann, and Jerry Van Amburg. Items discussed will be on the agenda later in the meeting.

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Executive Director' Report – John Jaschke reported that the AAC discussed the committee roster changes; PRAP grants; and the revised Stockton-Rollingstone-MN City WD plan.

John provided a legislative update on bonding, policy, and legacy funding. John stated that former Senator Gary DeCramer passed away unexpectedly of a heart attack.

John reported that he was in Washington, D.C., last week regarding conservation efforts in the Farm Bill. John stated that USDA NRCS Chief Dave White is in Minnesota this week. Chief White is meeting this afternoon with the "Minnesota Grassland Conservation Roundtable"; and tomorrow at the "Precision Conservation: Technology Redefining Local Water Quality Practices" conference. John also reported that NACD and USDA NRCS is entering into Field Offices of the Future – meetings with BWSR and MASWCD to assess how things work and how things might be approached in new ways.

John reviewed information in board members packets. John announced that Angie Becker Kudelka (BWSR Training Coordinator) has been hired to fill the new BWSR position of Organizational Effectiveness Director. BWSR will be hiring a new Training Coordinator and a Communications and Public Relations Coordinator. John stated that new staff will be introduced at an upcoming Board meeting. John will be on vacation next week; Julie Blackburn, Assistant Director, will serve as Acting Director March 30-April 5 and Steve Woods will serve as Acting Director April 6-8.

Chair Napstad suggested having a presentation on Minnesota Filter/mining filings at an upcoming Board meeting. John Jaschke will work with Faye Sleeper, MES; and Rebecca Flood, MPCA; to schedule a presentation at a future meeting.

Dispute Resolution Committee – Travis Germundson reported that there are currently 13 appeals pending; one new appeal of no-loss determination filed in Hennepin County. Travis thanked LuAnn Tolliver and Louise Smallidge for their service on the Dispute Resolution Committee.

Wetlands Committee – LuAnn Tolliver stated that the Wetlands Committee will meet in April. Gerald Van Amburg stated that he will work with staff on scheduling the meeting. John Jaschke stated that rules and local government road replacement issues will be on the Wetlands Committee agenda in the near future.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee meets today immediately following adjournment of the Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met in January; a meeting is tentatively scheduled for April.

Drainage Work Group – Tom Loveall and Al Kean reported that the Drainage Work Group met on February 17, 2012; John Jaschke, Don Baloun, NRCS; and Representative Torkelson attended to discuss federal and state efforts to coordinate a drainage water management initiative. Chair Napstad appreciated Al's attendance at the AMC Environment and Natural Resources Policy Committee meeting on March 2. Al stated that he appreciated the opportunity attend.

Dave Schad, DNR, entered the meeting at 9:45 a.m.

John Jaschke reported that BWSR recently hired Tim Dykstal to fill the new Fiscal Compliance Director position; Tim will start in mid-April. John also reported that the BWSR St. Paul office is expanding; the Metro Regional Office and IT staff will move to space just west of the main BWSR entrance.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision -

Jim Haertel reported that the Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The Rule Advisory Committee has completed its work and a draft revised rule has been developed. The next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for a decision. At this point the only item before the Board is to begin the formal rulemaking process. The Metro Water Planning Committee met on March 8, 2012, and unanimously voted to recommend beginning the rulemaking process for Chapter 8410. Moved by Bob Burandt, seconded by Rebecca Flood, to adopt the Metro Water Planning Committee's recommendation to authorize the initiation of the rulemaking process for the revision of Minnesota Rules Chapter 8410. Discussion followed. Motion passed on a voice vote.

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12-20

Public Relations, Outreach & Strategic Planning Committee

Performance Review and Assistance Program (PRAP) and Training Assistance Grants to LGUs – Don Buckhout reported that the Board is requested to authorize the use some of the cost-share rollover dollars that currently fund the PRAP program to be used for grants or contracts to local government units with organizational development, training or critical assistance needs. In most cases the money will buy professional consultant services or training to help LGUs address operational needs or issues

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identified by BWSR staff during a PRAP or other assessment. Don explained that the AAC reviewed this and recommends FY12-13 Board authorization for PRAP and Training Assistance Grants to LGUs, renewed annually in future years. The individual grants or contracts under this authorization will be awarded by the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery problems.

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12-21 Moved by Quentin Fairbanks, seconded by Paul Langseth, to approve the FY12-13 Board authorization for PRAP and Training Assistance Grants to LGUs; that BWSR requires all such funds awarded be cost-shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director; and the aggregate amount of expenditures for PRAP and awards are consistent with any appropriation conditions set by the legislature. Discussion followed. Todd Foster asked that board members receive notice from the Executive Director when a grant is awarded, as an information item when issues arise. Motion passed on a voice vote.

Southern Water Planning Committee

- Belle Creek Watershed District (BCWD) Watershed Management Plan** – Paul Langseth reported that the BCWD was established by BWSR Board Order on November 14, 1968. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The Southern Water Planning Committee met with representatives of the BCWD on February 9, 2012, and unanimously voted to
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12-22 recommend approval of the Plan. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Belle Creek Watershed District Watershed Management Plan. Motion passed on a voice vote.

- Bear Valley Watershed District (BVWD) Watershed Management Plan** – Paul Langseth reported that the BVWD was established by BWSR Board Order on April 27, 1961. The BVWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The Southern Water Planning Committee met with representatives of the BVWD on February 9, 2012; the Committee unanimously voted
**
12-23 to recommend approval of the Plan. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Bear Valley Watershed District Watershed Management Plan. Motion passed on a voice vote.

Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen reported that the Commissioners in Nobles, Jackson, Murray, and Cottonwood Counties submitted a petition requesting the establishment of the Middle Des Moines

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Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. The HLWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The HLWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the HLWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. Written comments and a request for hearing were received by BWSR. On October 13, 2011, the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011, and took no action, based on HLWD request to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of \$24. The Committee met again on February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan.

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12-24 Moved by Paul Langseth, seconded by Tom Loveall, to approve the Heron Lake Watershed District Watershed Management Plan. Discussion followed. Travis Germundson clarified that the statutory requirements of watershed district have been followed. Chair Napstad thanked board members for their respectful discussions on this controversial topic. Motion passed on a voice vote. Jeff Nielsen thanked the Southern Water Planning Committee for their time and efforts on the controversial issues in the plan.

Chair Napstad called for a break in the meeting at 10:50 a.m. The meeting reconvened at 11:05 a.m.

Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth reported that the SRMCWD was established by BWSR Board Order on December 26, 1958. The SRMCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted.

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The Southern Water Planning Committee met with representatives of the SRMCWD on February 9, 2012, the Committee unanimously voted to recommend approval of the Plan. Board members received an alternative resolution for review. The Administrative Advisory Committee approved the alternative resolution. The Stockton-Rollingstone-Minnesota City Watershed District approved the alternative resolution and agreed to rework their plan.

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12-25 Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the alternative resolution, the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District will expire December 31, 2015. Discussion followed. Paul is hopeful that the SRMCWD will work with the county to incorporate their plan into the county plan. Paul stated that this is a benchmark plan to move forward; this plan will come before the Board again. The alternative resolution provides a conditional approval through 2015; allowing the SRMCWD to continue their role and financing of the WD operation for two years and to consider embedding the WD plan with the Winona County Water Plan (which will be updated about the same time). Motion passed on a voice vote. Paul Langseth appreciated Jeff Nielsen's involvement in getting these four plans moving ahead.

- Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution** – Paul Langseth reported that the Winona County SWCD approved a Nomination Districts Resolution on July 13 2011, which proposed to change nomination districts for the Winona County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Southern Water Planning Committee met on February 9, 2012, discussed said Resolution, and unanimously voted to recommend approval of the Winona County SWCD Nomination Districts Resolution. Moved by Paul
**
12-26 Langseth, seconded by Sandy Hooker, to approve the Winona County Soil and Water Conservation District Nomination Districts Resolution. Motion passed on a voice vote.

NEW BUSINESS

Evaluation of Water Related Programs – John Linc Stine, MPCA Deputy Commissioner, introduced Suzanne Rhees, working part-time at DNR; and part-time at PCA. John Linc Stine explained that Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. John presented an overview of the plans developed thus far for the \$75,000 study and provided some perspective on how the Board and local governments may be best able to contribute. John encouraged board members to contact Suzanne if they are interested in being interviewed and contributing to an idea pool to assist in the process

to simplify overlap. Chair Napstad asked about starting with a clean slate, and asked how that might work. John stated that a sustainable water management system is complex but is needed; streamlining via a coordinated approach is what this effort is aiming for. Suzanne stated that the disruption of starting over is a challenge. John Linc Stine will provide an update on this topic as they move forward. Chair Napstad thanked John and Suzanne for their presentation.

Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens reported that the Board is requested to amend Resolution #11-96 to address a fund calculation discrepancy and a request by the manager of a funded project. Delaying the project and funding it with FY2013 Clean Water Funds will allow all projects approved for funding in Resolution #11-96 to be implemented as proposed. Moved by Paul Langseth, seconded by Louise Smallidge, to approve the amending Board Resolution #11-96 to remove Project C12-159 from the list of projects funded with FY2012 Clean Water Funds and to instead fund this project with FY2013 Clean Water Funds. Discussion followed. Motion passed on a voice vote.

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12-27

Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist presented information on the impacts of sedimentation on wildlife habitat at the Agassiz National Wildlife Refuge. Recent water quality studies at Agassiz National Wildlife Refuge have shown substantial sediment loading in Refuge wetlands. Results document more than 1.2 million tons of inorganic sediment have been trapped within the Refuge's largest impoundment. The sediment and excess water are being transported to the Refuge via off-refuge surface drainage ditches. Additionally, this research has determined the majority of incoming sediments are sourced from agricultural runoff within the Thief River Watershed. These accumulated sediments have not only accelerated the wetland aging process but also have negatively impacted the Refuge's ability to manage vegetation and address Refuge priorities for migratory birds and other wildlife.

U.S. Fish and Wildlife Service staff and multiple partners (NRCS, Marshall Co. SWCD, Red Lake Watershed District), are now working with private landowners to implement conservation practices (e.g. grass buffers, side channel inlets), on private lands to reduce future sediment inputs and ultimately improve water quality in the Thief River Watershed. Discussion followed. Jim Leach stated that we need to look at perpetual conservation projects by maintaining easements. Chair Napstad stated that it would be great if the USF&WS could be involved in more partnerships and also endorse improved wetland mitigation. Jim Leach stated that they appreciate the opportunity to be here, and are willing to work together on issues. Chair Napstad thanked Jim Leach, Josh Eash, and Gregg Knutsen for their very informative presentation.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matthew Wohlman reported that MDA Commissioner Frederickson announced the new Minnesota Agriculture Water Quality Certification Program. Matt stated that candidates are sought for the advisory committee; applications will be taken through April 16.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported that Minnesota's Game and Fish Fund is in dire condition; projected to be in the red by early July 2013. The Game and Fish Fund supports conservation delivery and impacts infrastructure if fees are eroded. DNR is seeking a hunting and fishing license fee increase this legislative session. Fees cannot be changed without action by the Legislature. It has been 11 years since the last fee increase.

Minnesota Extension Service – Faye Sleeper distributed the "Conservation Reserve Readiness Initiative" for board members' information. Faye explained that this is a new USDA NRCS funded national training initiative. Board members should contact Faye with questions.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that Executive Director Dave Fricke is retiring; Gary Peterson has been hired as executive director.

UPCOMING MEETINGS

Chair Napstad stated that the next Board Meeting is April 25, 2012.

Chair Napstad reminded board members to submit the executive director's evaluation form so he and Vice-Chair Van Amburg can conduct the performance review.

12-28 Moved by LuAnn Tolliver, seconded by Louise Smallidge, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: April 25, 2012

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ **Committee(s)**

Presented by: Travis Germundson

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
April 13, 2012
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **2** new appeals filed since the last report dated March 28, 2012.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 12-05 (4-2-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. No decision has been made on the appeal.

File 12-04 (3-23-12) This is an appeal of a restoration order in Todd County. The appeal regards the placement of fill within the building setback zone identified in the local shoreland management ordinance. No decision has been made on the appeal.

File 12-03 (2-21-12) This is an appeal of a no-loss determination in Hennepin County. The site is within the boundaries of the Mississippi National River and Recreation Area. The appeal regards the approval of a no-loss application contenting that the applicant provided no proof to show qualification for a No-Loss. The project proposes to restore the site to an open space/park condition. The appeal has been remanded for the TEP to produce a written report adequately addressing the No-Loss determination and for administrative proceeding (conduct a public hearing producing written findings).

File 12-02 (1-18-12) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation and filling of approximately 30,200 sq. ft. of a Type 7 wetland association with the construction of private road/trail. The appeal has been placed in abeyance and the restoration order stayed for proper service of the restoration order and for submittal of additional information in support of the appeal.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2010 Board meeting, Managers voted 6 to 1 to move forward with Option D)

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. The three owners are also in the process of splitting up the property.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for further processing at the local level. The City of Montgomery has gradually been working on removing the debris and restoring the wetland in accordance with MPCA requirements.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Summary Table

Type of Decision	Total for Calendar Year 2011	Total for Calendar Year 2012
Order in favor of appellant	2	1
Order not in favor of appellant	2	
Order Modified	2	
Order Remanded		1
Order Place Appeal in Abeyance	4	1
Negotiated Settlement	1	
Withdrawn/Dismissed	2	

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

1. Biennial Budget Request – Dave Weirens – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Biennial Budget Request ☐

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

☐ None

☐ Amended Policy Requested

☐ New Policy Requested

☒ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☒ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Accept the recommendation of the Grants Program and Policy Committee to adopt the Biennial Budget Request policy and authorize staff to implement this Program.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

BWSR staff have been developing the Biennial Budget Request (BBR) process for approximately two years. Through the BBR BWSR will be collecting information on planned conservation projects from local governments that they intend to implement in the State 2014-15 biennium if funds are available. The BBR has the following objectives:

- a. Provide more effective support to the implementation of local water management plans;
- b. Collect information on local government projects and programs to maintain or improve water quality and use this information to inform the State budget and appropriations processes;
- c. Increase the efficiency of BWSR grant programs, for BWSR and our grantees;
- d. Improve the connections among all State funds appropriated for local government land and water management programs;
- e. Encourage local governments to proactively plan for implementing projects and programs over a longer period of time, instead of the current annual grant and funding processes; and
- f. Address the increased expectations that go along with the new funds that are a result of the Clean Water, Land and Legacy Constitutional Amendment.

Board Resolution # 12-

AUTHORIZING THE FY2014-15 BIENNIAL BUDGET REQUEST

WHEREAS, in FY2011 the Board of Water and Soil Resources administered more than 32 different grant programs that included 921 separate grant agreements that provided \$28,617,583 in State funds to local governments; and

WHEREAS, the complexity and quantity of BWSR grant activity has increased substantially as total grant funds has increased over the past five years and expectations and scrutiny have increased with growth in BWSR grant programs; and,

WHEREAS, almost all BWSR grants are made to local governments, however the State budget process does not adequately consider local water management priorities; and,

WHEREAS, local water management planning is fundamental to BWSR grants programs and enhanced targeting of projects with resulting improvements in water quality outcomes needs to be effectively encouraged by BWSR grants programs and processes; and

WHEREAS, through the Grants Allocation Initiative, staff have developed a new grants process called the Biennial Budget Request (BBR). The BBR will:

- Result in local governments providing information on their water management priorities to BWSR which will serve as the basis for BWSR's budget request to the Governor,
- Not directly award grant funds, but support BWSR grant-making decisions following enactment of appropriations,
- Serve as the soil and water conservation district annual plan of work for program and operations grants and as the Allocation and Contribution Statement for the Natural Resources Block Grant,
- Support local government water management planning and project development, and
- Improve coordination of State funds used by local governments for program and project implementation; and,

WHEREAS, the BBR is part of an overhaul of BWSR grant making processes that includes the following four phases:

1. BBRs will be developed and submitted by local governments once every two years, including information for program and operations and competitive project grants;
2. Up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
3. Program and operations will be awarded annually similar to current processes; and
4. An annual challenge grant program with a minimum of 20% of biennial CWF funds (separate from BBR); and,

WHEREAS, the Board adopted resolution #09-75 on September 23, 2009 under which the Board adopted the Grants Allocation Initiative milestones that included a proposed schedule and grant making processes; and,

WHEREAS, the Grants Program and Policy Committee reviewed the draft FY2014-15 Biennial Budget Request policy, schedule and other program elements on January 24, 2012 and March 28, 2012 and is recommending the Board adopt the draft policy and authorize staff to implement this initiative.

NOW THEREFORE BE IT RESOLVED, the Board adopts the FY2014-15 Biennial Budget Request policy and authorizes staff to implement this Program.

Brain Napstad, Chair
Board of Water and Soil Resources

Date: _____

Attachment: FY2014-15 Biennial Budget Request Policy

DRAFT



FY 2014-15 Biennial Budget Request Policy



1.0 Overview

The Board of Water and Soil Resources (BWSR) issues grants to local units of government under Minnesota Statutes 103B.3369, and appropriations in applicable Session Laws. These appropriations primarily include General Funds and Clean Water Funds. These grants typically fall into two types of grants: program and operations grants and competitive grants.

The Biennial Budget Request (BBR) is intended to obtain information on water management projects and activities from local governments that are to be implemented under a program and operations or competitive grant through BWSR. Projects and activities included in a BBR are:

- Priorities of the local government that are directly connected to the local water management plan;
- Targeted to address a water management priority; and
- Can be realistically implemented within a three year grant agreement period.

The purpose of this FY2014-15 Biennial Budget Request Policy is to provide direction and guidance for local governments that will be providing information to BWSR through the BBR process.

The BWSR will use the BBR process to:

- Serve as the basis for budget requests made to the Governor and Legislature,
- Support grant-making decisions following enactment of appropriations;
- Serve as the soil and water conservation district annual plan of work for program and operations grants and as the Allocation and Contribution Statement for the Natural Resources Block Grant;
- Support local government water management planning and project development; and
- Improve coordination of State funds used by local governments for project and activity implementation.

The BBR will not be used to directly award grants, but is a tool that is used to support grant making decisions following enactment of appropriations. However, projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. Up to 80% of competitive grant funds appropriated to BWSR may be prioritized to projects and activities that are included in a BBR.

Local governments that are eligible to receive program and operations grants (for example Natural Resources Block Grant and Conservation Delivery Grants) shall complete, at a minimum, the program and operations grant components of the BBR to ensure eligibility to receive these funds. Failure to timely submit the program and operations grant component of the BBR will result in being ineligible for these grants unless a petition their BWSR regional staff, for cause, results in re-instatement.

2.0 Local Government Eligibility Criteria and Requirements

Local governments (counties, watershed districts, soil and water conservation districts, cities, joint powers boards, etc.) that are eligible to receive grant funds as provided in Minn. Stat. 103B.3369, and plan on requesting grant funds, are strongly encouraged to complete a BBR for the FY2014-15 biennium. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to partner with another eligible local government if interested in receiving grant funds.

Future grant program requirements and/or request for proposals may identify more specific requirements or eligibility criteria when specified by statute, appropriation, rule or policy.

3.0 Eligible Projects and Activities

The primary purpose of grants issued by BWSR is to support local government water and natural resource management responsibilities. Eligible projects and activities proposed in the BBR must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include projects and activities in their BBR that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the BBR and the local government that has adopted the plan.

Actual Legislative appropriations will determine the specific activities that can be eligible for BWSR grant funds. BWSR cannot guarantee that all water management projects and activities that are included in a BBR will be eligible for funding. Future grant program requirements and/or request for proposals may identify more specific requirements or eligibility criteria when specified by statute, appropriation, rule or policy.

3.1 Program and Operations Grants

In general, eligible activities for Program and Operations grants are those necessary to support local government implementation of state programs. These activities and the associated costs are specified in program statute, rule, policy and/or guidance issued by the state agency with program oversight responsibilities.

3.2 Competitive Grants

In general, eligible projects and activities for competitive funds will have a primary purpose of control, reduction, or prevention of chemical or nutrient water pollution, soil erosion, sedimentation, or materials that affect human or aquatic system health and can consist of structural practices, non-structural practices and measures, project support, and grant administration and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total estimated project or practice cost.

4.0 Ineligible Projects and Activities

Ineligible projects and activities vary by BWSR grant program or funding source; specific ineligible projects and activities are identified within grant program policies and/or guidance. Local governments are encouraged to review the most recent Clean Water Fund Competitive Grant Program policy and Cost-Share policy available on the BWSR website for specific information on ineligible projects and activities.

5.0 Project and Activity Cost Estimates

Project and activity cost estimates that are included in the BBR are expected to be good faith estimates of the complete cost to implement the listed project or activity according to established design, construction, or other standard, including an appropriate minimum life expectancy, when relevant. It is understood that project or activity costs may be adjusted during development of the grant application and/or workplan. Eligible activities that should be included when developing cost estimates include: program administration, project support including inspection following activity or project completion, technical and engineering assistance, and grant administration and reporting.

6.0 BBR Review Process and Criteria

Following submission, BWSR regional staff will review and evaluate BBRs as high or low priority for State funding and BWSR management will further analyze these priorities to compile a budget request.

6.1 Program and Operations Grants

The program and operations grants components of the BBR will be reviewed for eligibility, and then retained for use in awarding funds following the enactment of appropriations.

6.2 Competitive Grants

The following criteria will be considered in the review and evaluation of competitive grants projects and activities:

- a. The eligibility of the local government;
- b. The eligibility of the project and/or activity;
- c. The relationship of the projects and activities to the plan as provided in 3.0;
- d. An evaluation of why the project or activity is a priority for the LGU;
- e. If the project or activity is targeted to effectively achieve the water management objective;
- f. The anticipated effectiveness of the project or activity in achieving the identified water management outcomes; and
- g. The amount of work that can be accomplished within a three year grant period.

The BBR will not be used to directly award grants, but is a tool that is used to support grant making decisions following enactment of appropriations. However, projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. Up to 80% of competitive grant funds appropriated to BWSR may be prioritized to projects and activities that are included in a BBR.



BIENNIAL BUDGET REQUEST

Background and Overview

March 28, 2012

What is the Biennial Budget Request (BBR)?

The BBR will be used by the Board of Water and Soil Resources (BWSR) to support the implementation of local priorities as identified in local water management plans. More directly, the BBR is a tool and process to obtain information on water quality projects and activities from local governments that are to be implemented under a grant from the BWSR.

The BBR has been developed under a BWSR initiative that uses a successful State of Washington grants process as its basis. The Washington Conservation Commission uses a process to front-end load their legislative appropriation request. Under this process, each SWCD submits a list of real projects that are ready to be implemented in the upcoming fiscal year. The Washington Conservation Commission then combines the project lists from all SWCDs and uses it as a base for their budget request to the legislature. Their goal is to show the legislature that they have a docket of projects with willing landowners that are ready to be implemented. All that is required is cost-share and technical assistance funding. According to the Washington Conservation Commission, this approach has been very effective in helping the legislature understand the real need and to be more willing to fund projects that are ready to go. Following legislative appropriations, grants are made to SWCDs based on their project lists.

The BBR will implement a system similar to the Washington State process to support the development of an **informed legislative request for both competitive and program and operations grants**, and to serve as an initial screening tool for local governments to apply for grant funds.

The BBR has the following objectives:

- Provide more effective support to the implementation of local water management plans;
- Collect information on local government projects and programs to maintain or improve water quality and use this information to inform the State budget and appropriations processes;
- Increase the efficiency of BWSR grant programs, for BWSR and our grantees;
- Improve the connections among all State funds appropriated for local government land and water management programs;
- Encourage local governments to proactively plan for implementing projects and programs over a longer period of time, instead of the current annual grant and funding processes; and
- Address the increased expectations that go along with the new funds that are a result of the Clean Water, Land and Legacy Constitutional Amendment.

Why the BBR?

The Clean Water, Land and Legacy Constitutional Amendment that was passed by voters in 2008 has already changed how we restore and protect Minnesota's water in three short years. More importantly, the Constitutional Amendment has changed expectations on how we (State agencies and local governments) are protecting and restoring our land and water resources. More changes are expected as we work to fulfill the expectations brought with this 25-year water quality program.

BWSR also receives State General Funds that are used to finance grants to support local government programs. These grants are generally not affected by the Constitutional Amendment, but they support many of the same resource management goals. There is value in improving the connections and efficiencies of all funds appropriated by the Legislature to BWSR to support local water quality, land and related natural resource management.

Implementing water management projects on a “first-come, first-served” basis (sometimes referred to as “random acts of conservation”) is no longer good enough. While many local governments have set priorities and targeted projects to address these priorities, these efforts need to be ramped up so that all Clean Water Funds are used to implement targeted, local priorities.

That’s what Biennial Budget Request (BBR) will address; continue the evolution in the State-local partnership by changing how BWSR supports local government water quality implementation and changing how local governments identify and implement water quality projects and programs.

BWSR currently offers grant programs annually, which has been standard operating procedure for BWSR (and most, if not all other State agencies). Annual grants processes consume considerable amounts of BWSR and local government staff time, instead of doing conservation. Reducing the number and frequency of grants processes will free up state and local staff time for other activities.

Benefits of the BBR.

The BBR will benefit both BWSR and local governments by:

- *Reducing the time spent on chasing grants and administration.* BBRs will be developed once every two years and up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
- *Increasing the focus on project prioritization and targeting* will continue through the biennial competitive grant and annual challenge grant programs via program guidance and scoring criteria. Local governments that effectively establish their priorities and target projects and activities to address these priorities will be successful in the BBR process.
- *Improved project development.* Current annual grant programs establish clear incentives for developing projects on an annual cycle. Changing the grant-making schedule to allocate a majority of the funds once every two years will allow local governments to plan further into the future when developing projects and activities.

How has BWSR engaged local governments during the development of the BBR?

This new grants process can only be successful if it works for local governments as well as for BWSR. With this in mind, meetings were held with a number of local governments in March and April, 2011 when the BBR was still in concept form. Two well attended sessions were also held during the BWSR Academy in October 2011 when details were available. Input received from local governments at these sessions centered on this new way of doing business as a significant change and concerns over planning for projects more than two years from when funds will be available, concerns over the quality of local water management plans and this process will require more frequent plan updates, and that there were two types of local governments in attendance: those that welcome this approach and those that are apprehensive.

How will BWSR Grants Programs be implemented as a result of the BBR?

Grants will be implemented using a four phased process under the BBR:

- 1) BBRs will be developed by local governments once every two years, including information for program and operations and competitive grants;
- 2) Up to 80% of biennial CWF competitive grant funds will be awarded once every two years via three year grant agreements;
- 3) Program and operations grants will be awarded annually similar to current processes; and
- 4) An annual challenge grant program with a minimum of 20% of biennial CWF funds (separate from BBR).

The BBR processes will result in BWSR collecting information on planned conservation projects and programs from local governments that does the following:

- Serves a base from which BWSR will develop its biennial budget for submission to the Governor;
- Serves as the soil and water conservation districts annual work plan for program and operations grants;
- Serves as the Allocation Contribution Statement for the NRBG; and
- Serves as the initial screen for competitive grant requests.

➤ BBR - Phase 1

BWSR will require local governments that are eligible for program and operations grants (counties and soil and water conservation districts) to submit a request using the BBR form. Local governments that plan on requesting BWSR competitive grant funds are strongly encouraged to complete a BBR. Projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds.

The BBR request will be completed using spreadsheets. The spreadsheets will ask for limited information designed to give enough detail to know the where, what, how, and how much for the request. The cost/financial information provided in the BBR must be reasonable, good faith estimates and include non-state funds (match and/or leverage).

BWSR staff will screen the submitted BBRs for use in informing the State budget and appropriations processes, and to support the biennial competitive grant program that will occur as phase 2.

BBRs will be screened by BWSR staff using the following criteria:

- a. The eligibility of the local government;
- b. The eligibility of the project and/or activity;
- c. The relationship of the projects and activities to the plan;
- d. An evaluation of why the project or activity is a priority for the LGU;
- e. If the project or activity is targeted to effectively achieve the water management objective;
- f. The anticipated effectiveness of the project or activity in achieving the identified water management outcomes; and
- g. The amount of work that can be accomplished within a three year grant period.

- Biennial Competitive Grant Program – Phase 2
When the CWF competitive grant program funds are established, the BBR will then be used in the project scoring criteria. Projects and activities that are included in a BBR and assessed as a high priority by BWSR will receive priority consideration for competitive grant funds. In addition, local governments will be reminded that this is a competitive process and an emphasis in applying for funds should be placed on the highest priority projects submitted in the BBR. As is currently the case, detailed applications and work plans will be required to fund successful projects.
- Program and Operations Grants – Phase 3
After the BWSR biennial budget is enacted, conservation program and operations grants will be set for each local government using formulas taking into account the actual appropriation for each grant. SWCDs and counties will have to complete a BBR to receive these grants.
- Annual Challenge Grant Program – Phase 4
A minimum of twenty percent of the total CWF allocation will be reserved for an annual challenge grant program. Projects and activities do not need to be included in a BBR to be eligible for these grants.

Timeline for Implementation.

The BBR process will begin in the biennium before the biennium where the funds will actually be allocated. For instance we will begin the BBR process in the spring of 2012 for funding in the FY 14-15 biennium. Key dates in the first BBR process are:

- *October 26 and 27, 2011* – Introduce to Local Governments at BWSR Academy
- *January 25, 2012* – Grants Program and Policy Committee Review BBR
- *March 28, 2012* – Grants Program and Policy Committee recommend to Board
- *April 25, 2012* – BWSR Board
- *May 15, 2012* – BBR submittal period opens
- *June 29, 2012* – BBR submittal closes
- *Summer/Fall 2012* – BWSR budget development
- *May 2013* – Legislative appropriations for FY 2014/2015
- *June 2013* – FY2014/2015 Program and Operations grants approved by BWSR Board
- *August 2013* – CWF Biennial Grants RFP and Annual Challenge Grants RFP opens
- *September 2013* – CWF Biennial Grants RFP and Annual Challenge Grants RFP closes
- *December 2013* – CWF Biennial Grants and Challenge Grants awarded by BWSR Board

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Mississippi WMO Plan Amendment – Bob Burandt and Brad Wozney –
DECISION ITEM
2. Ramsey-Washington Metro WD Enlargement Public Hearing – Melissa Lewis –
DECISION ITEM
3. Wright SWCD Nomination Districts – Jim Haertel – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Mississippi WMO Plan Amendment

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Brad Wozney, Board Conservationist
Prepared by: Brad Wozney, Board Conservationist
Reviewed by: Metro Water Planning Committee(s)
Presented by: Bob Burandt and Brad Wozney

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget
☐ Amended Policy Requested ☐ Capital Budget
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget
☐ Other: _____ ☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of Plan Amendment to the Mississippi Watershed Management Organization's Watershed Management Plan

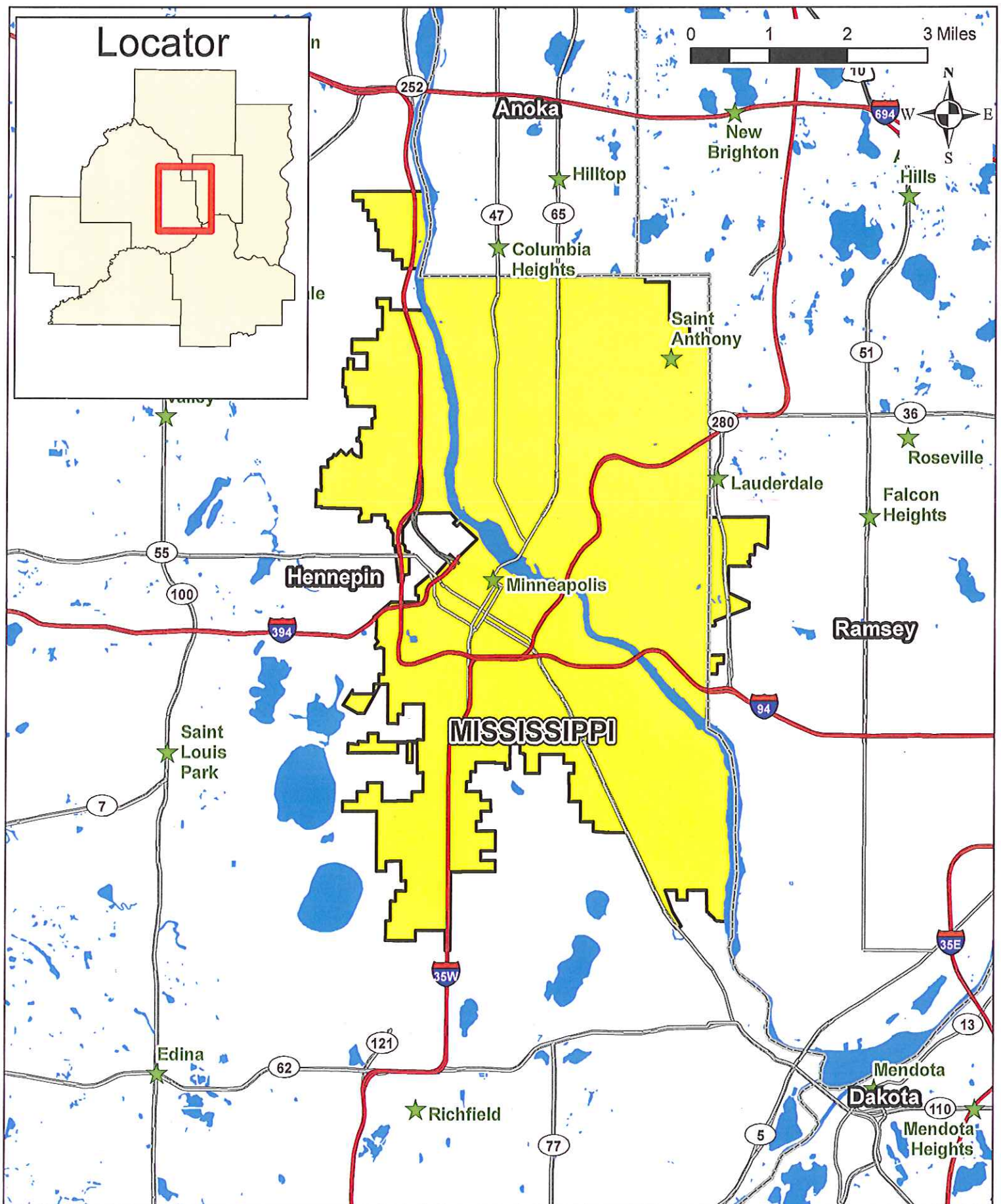
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first Watershed Management Plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metro region, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO (MWMO) and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the City of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second Watershed Management Plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066.

The MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). It is important to note that 95% of the watershed is within the City of Minneapolis. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigation locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

The Amendment proposes to revise the implementation program by adding new capital improvement projects and adding details to several existing capital improvement projects. All comments on the amendment were fully addressed.

The Metro Water Planning Committee met on April 9, 2012. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated March 2012 to the full Board per the attached draft Order.

Mississippi Watershed Management Organization



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the
Amendment to the Watershed Management
Plan for the **Mississippi Watershed
Management Organization**, pursuant to
Minnesota Statutes Section 103B.231,
Subdivision 11.

**ORDER
APPROVING
AMENDMENT TO
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Mississippi Watershed Management Organization (MWMO) submitted an Amendment to the Watershed Management Plan (Amendment) dated March 2012 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

Whereas, the Board has completed its review of the Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first watershed management plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metropolitan area, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the city of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second watershed management plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by

the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). The MWMO consists of portions of the Cities of Lauderdale, St. Paul, St. Anthony, and Minneapolis including property owned by the Minneapolis Park and Recreation Board. It is important to note that 95% of the watershed is within the City of Minneapolis. As of 2010 the population within MWMO was over 236,000 and projected to be over 248,000 by 2020. Over the course of the next ten years Minneapolis is proposing significant redevelopment around "growth centers" which are characterized by a concentration of employment-generating development. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigational locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on December 19, 2011. The Amendment proposes to add capital improvement projects and add detail to several existing capital projects. The MWMO held a public hearing on March 13, 2012. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on March 20, 2012, for final review and approval.
5. **Local Review.** The MWMO circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, and received comments from the Cities of Minneapolis and St. Anthony Village, Minneapolis Park and Recreation Board, Hennepin County, Bassett Creek WMO, and Rice Creek WD. All comments were fully addressed.
6. **Metropolitan Council Review.** The Metropolitan Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*.
7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA stated they had no comments.
11. **Department of Transportation Review.** The DOT did not comment on the Amendment.
12. **Board Review.** Board staff commended the MWMO for maintaining a current capital improvement program and had no other comments on the Amendment.
13. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding new capital improvement projects and adding details to several existing capital improvement projects.
14. **Metro Water Planning Committee Meeting.** On April 9, 2012, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Mississippi Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment dated March 2012 to the Mississippi Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 25th day of April 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Ramsey-Washington Metro WD Enlargement**
Public Hearing

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Melissa Lewis
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Melissa Lewis

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget
☐ Amended Policy Requested ☐ Capital Budget
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget
☐ Other: _____ ☐ Clean Water Fund Budget

ACTION REQUESTED

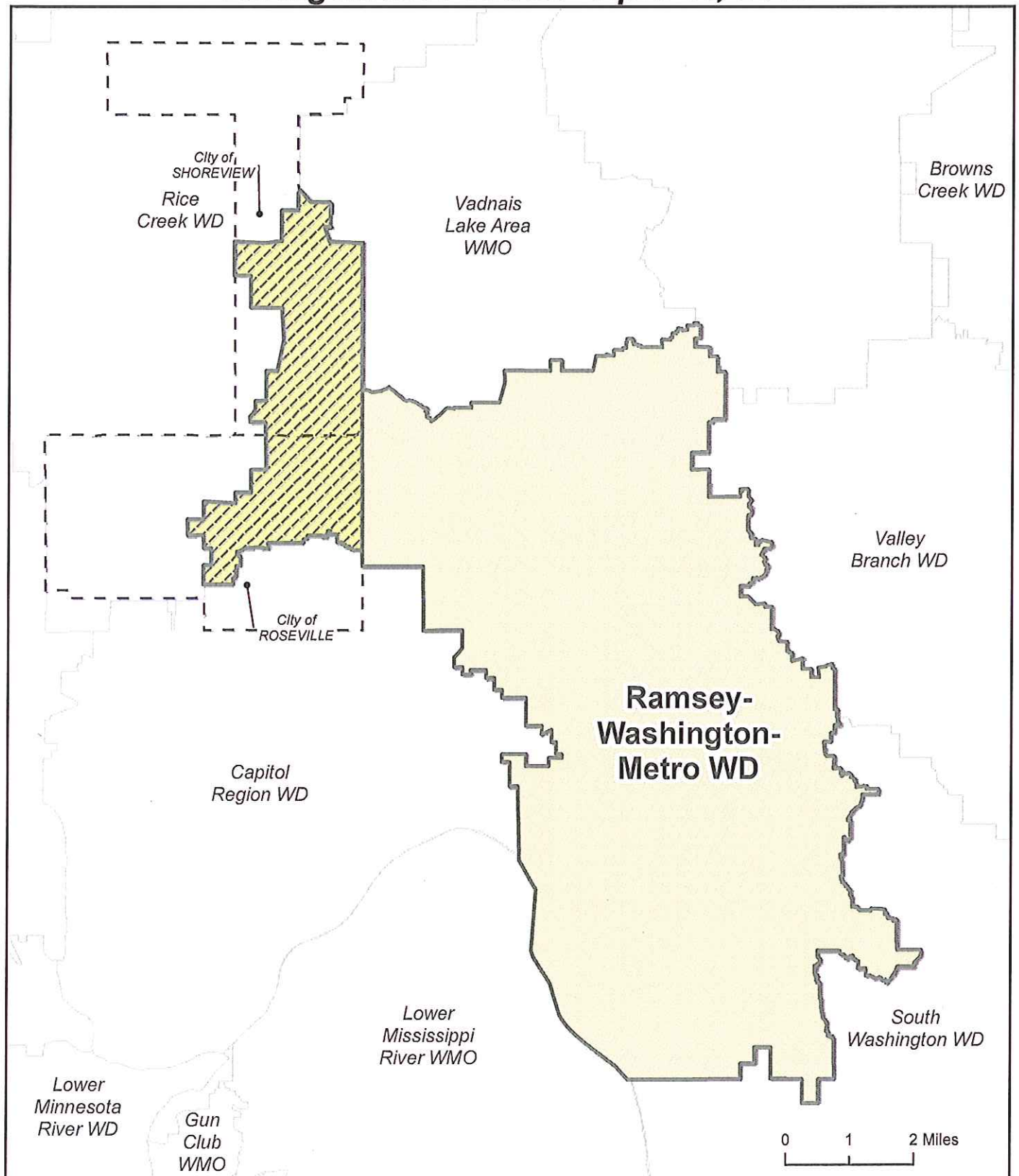
Approve Order for Public Hearing

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Cities of Roseville and Shoreview submitted a petition to enlarge the Ramsey-Washington Metro Watershed District pursuant to Minn. Stat. § 103D.261. Each city previously took action to begin the dissolution proceedings of the Grass Lake Watershed Management Organization (GLWMO). The petition was accompanied by resolutions of concurrence from the two affected cities. The proposed enlargement would expand the District into the area of the GLWMO. GLWMO has passed a resolution to dissolve, effective June 21, 2012.

Minn. Stat. § 103D.261, subdivision 2, subitem a requires a public hearing be held before the Board makes a decision on the Petition. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order.

Ramsey-Washington Metro Watershed District Enlargement Petition - April 11, 2012



-  Enlargement Petition (Currently Grass Lake Watershed Management Organization)
-  Ramsey - Washington Metro Watershed District Existing Boundary
-  Surrounding Watershed Districts & Management Organizations
-  City of Roseville & City of Shoreview



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

In the Matter of the Petition for Enlargement
of the Ramsey-Washington Metro Watershed
District in the Cities of Roseville and
Shoreview, Ramsey County, pursuant to
Minnesota Statutes Section 103D.261.

**ORDER
WATERSHED DISTRICT
ENLARGEMENT
PUBLIC HEARING**

Whereas, a petition (Petition) for an enlargement of the Ramsey-Washington Metro Watershed District (RWMWD) was filed by the Cities of Roseville and Shoreview with the Board on April 4, 2012, pursuant to Minn. Stat. § 103D.261, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. On April 4, 2012 the Board received a Petition for a boundary change of the RWMWD from the Cities of Roseville and Shoreview pursuant to Minn. Stat. §103D.261.
2. The proposed watershed district enlargement would expand the watershed district into the area of the former Grass Lake Watershed Management Organization involving parts of the Cities of Roseville and Shoreview.
3. Written statements of concurrence from the governing bodies of each affected city, namely Roseville and Shoreview, accompanied the Petition.
4. A majority of the cities in the proposed area of enlargement has proper standing to file the Petition pursuant to Minn. Stat. § 103D.261, subdivision 1, subitem a.
5. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103D.261.

6. Minn. Stat. § 103D.261, subdivision 1, subitem c requires a public hearing to be held before the Board makes a decision on the Petition.
7. The Board's Metro Water Planning Committee and staff met on April 9, 2012 in Saint Paul to review and discuss the Petition. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended the Board order a public hearing be held within 35 days of the date of the Board's Order after proper legal notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be ordered to be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties.

CONCLUSIONS

1. The Petition for enlargement of the Ramsey-Washington Metro Watershed District is valid in accordance with Minn. Stat. § 103D.261.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a public hearing to determine whether the proposed enlargement should be approved in accordance with Minn. Stat. § 103D.261.
4. A public hearing should be held within thirty-five days of the date of this order after proper legal notice has been given.
5. The Board's Metro Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.
6. The Executive Director should set the date, time and location of the public hearing after coordination with the appropriate parties.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the Petition for enlargement of the Ramsey-Washington Metro Watershed District to be presided over by the Board's Metro Water Planning Committee at a date, time and location set by the Executive Director, after proper legal notice of the public hearing has been given.

Dated at Saint Paul, Minnesota this 25th day of April, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wright SWCD Nomination Districts

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro
Contact: Jim Haertel
Prepared by: Jim Haertel
Reviewed by: Metro Water Planning Committee(s)
Presented by: Jim Haertel

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget
☐ Amended Policy Requested ☐ Capital Budget
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget
☐ Other: _____ ☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of Wright SWCD Nomination Districts

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Wright SWCD currently has nomination districts for supervisors. The attached Nomination Districts Resolution does not change the current nomination districts, rather it clarifies them. The Wright County Auditor requested clarification due to the expansion of rural cities over the years. The resolution clarifies that the nomination districts remain along township lines regardless of city boundaries. The Wright SWCD Board of Supervisors unanimously adopted the resolution. The Metro Water Planning Committee based on a unanimous vote recommends the Board approve the Nomination Districts Resolution per the one sentence resolution immediately under the signature of the Wright SWCD Secretary.

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Wright Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the District be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

<u>District</u>	<u>Description of Boundaries</u>
-----------------	----------------------------------

- | | |
|-----|--|
| I | Clearwater, Corinna, Maple Lake and Silver Creek Townships and that portion of the Cities of Annandale, Clearwater and Maple Lake located within those geographic townships boundaries are in District I |
| II | Monticello Township and the Cities of Albertville, Hanover, Monticello, Otsego and St. Michael. Only those City portions included in the District II geographic Townships are in District II |
| III | Buffalo, Chatham, Franklin, Rockford and Woodland Townships and that portion of the Cities of Buffalo, Delano, Hanover, Montrose, Rockford and Waverly located within those geographic township boundaries are in District III |
| IV | Albion, Marysville and Middleville Townships and that portion of the Cities of Howard Lake, Maple Lake, Montrose and Waverly located within those geographic township boundaries are in District IV |
| V | Cokato, French Lake, Southside, Stockholm and Victor Township and that portion of the Cities of Annandale, Cokato, Howard Lake and South Haven located within those geographic township boundaries are in District V |

I, Duane Dahlman, Secretary of the Wright Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Wright Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 12, 2012, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: _____



Secretary

Wright Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Wright Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said District on March 12, 2012, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Wright Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ____ to ____ of the members presents.

Signed: _____

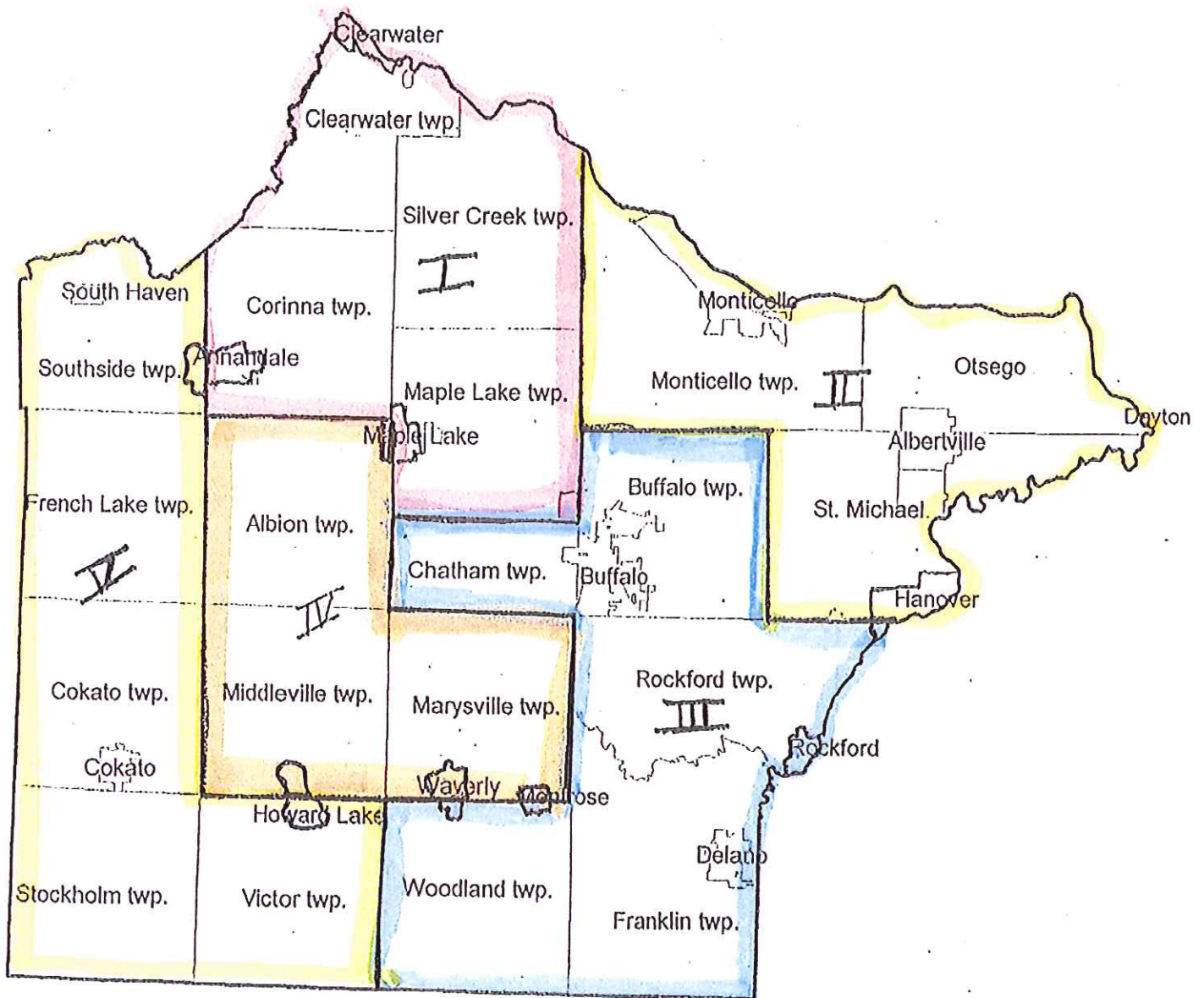
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 2012

Signed: _____

County Auditor
Wright County

Wright SWCD Supervisor's Districts



COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Buffalo Red Watershed District Enlargement and Increase of Managers Petition - Ron Shelito and Pete Waller - ***DECISION ITEM***
2. Crow Wing SWCD Supervisor Boundary Change Request – Quentin Fairbanks – ***DECISION ITEM***
3. Isanti County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***
4. Itasca County Local Water Management Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***
5. Polk County Local Water Management Plan Update – Quentin Fairbanks – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Order to Enlargement and Increase the Number
Buffalo Red River Watershed District Managers**

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Travis Germundson or Pete Waller

Prepared by: Tarvis Germundson & Pete Waller

Reviewed by: Northern Water Planning Committee(s)

Presented by: Ron Shelito & Pete Waller

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget
☐ Amended Policy Requested ☐ Capital Budget
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget
☐ Other: _____ ☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of the enlargement and increase in the number of managers petition for the Buffalo Red River Watershed District. Directing the distribution of the two new manager appointments as follows: one from Wilkin County and one from Otter Tail County.

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The territory proposed to be added to the BRRWD is approximately 430 square miles that affects Wilkin and Otter Tail Counties. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District.

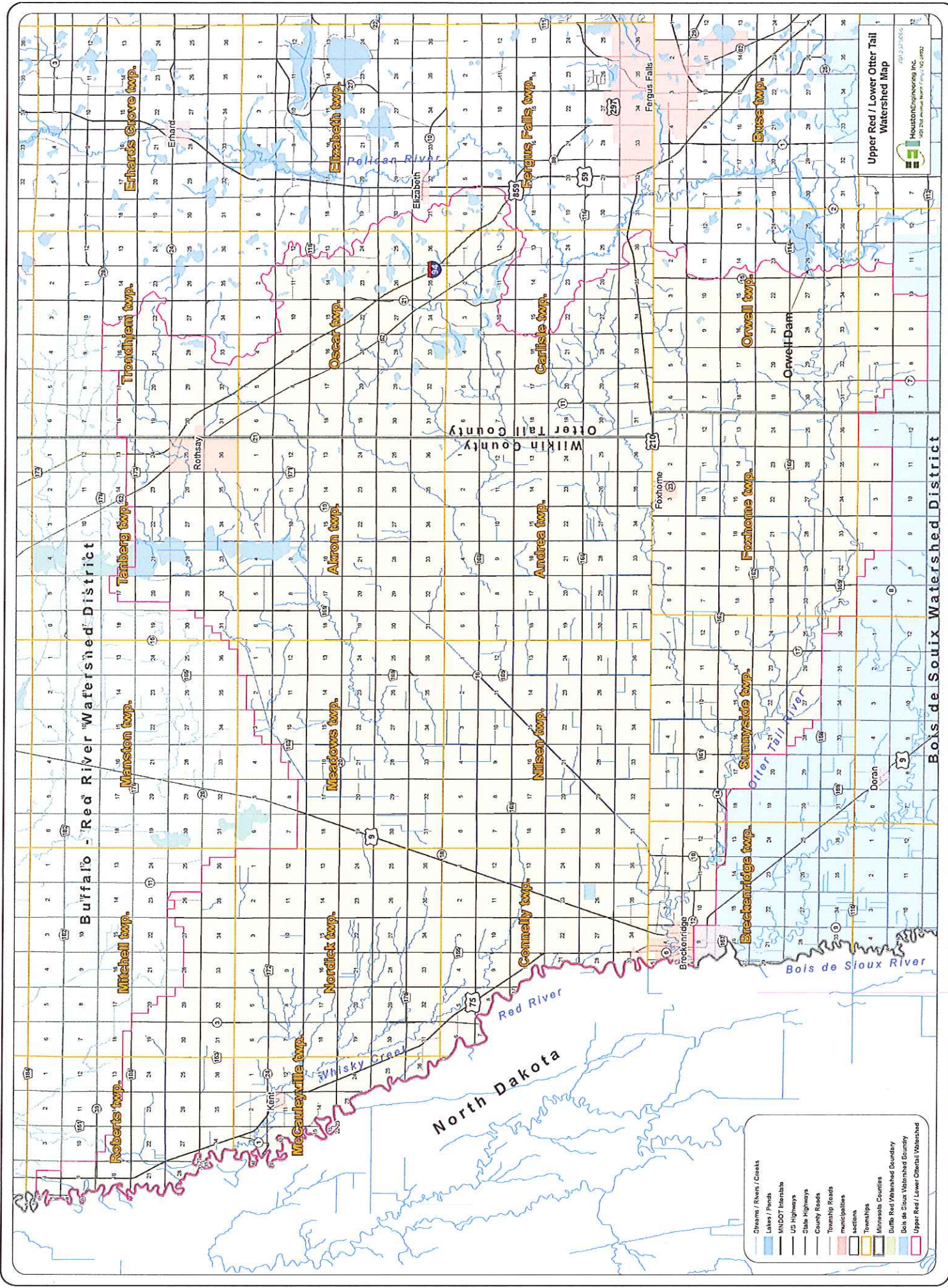
At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore this alternative.

On January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District, Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers from five to seven.

Wilkin County Board of Commissioners submitted a letter stating that they will rescind the original petition for the formation of the Upper Red Lower Otter Tail Watershed immediately following BWSR final decision.

The Northern Water Plan Committee met April 11th to consider the petition and recommended approval per draft Order.

A copy of the Petition and a map illustrating the enlargement area are attached. Also attached is a draft Board Order that would approve the enlargement and increase in the number of managers petition.



- Streams / Rivers / Creeks
- Lakes / Ponds
- MINOT Interstate
- US Highways
- State Highways
- County Roads
- Township Roads
- Municipalities
- Sections
- Townships
- Minnesota Counties
- Duffie Red Watershed Boundary
- Bois de Sioux Watershed Boundary
- Upper Red / Lower Otter Tail Watershed

Upper Red / Lower Otter Tail Watershed Map

Houghton Mifflin Inc.
1000 17th Street, NW
Washington, DC 20036

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the Petition for Enlargement and Increase the Number of Managers of the Buffalo Red River Watershed District pursuant to Minnesota Statutes §§ 103D.261 and 103D.305.

**ORDER
ENLARGEMENT AND
INCREASING NUMBER
OF MANAGERS**

Whereas, a joint Petition was filed with the Board of Water and Soil Resources (Board) on January 4, 2012 by the Otter Tail and Wilkin County Board of Commissioners and Buffalo Red River Watershed District (BRRWD), to enlarge the territory and increase the number of managers of the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Petition.** The Petition (Exhibit 1) to enlarge and increase the number of managers of the BRRWD dated December 27, 2011, was filed by the Otter Tail and Wilkin County Board of Commissioners and BRRWD, with the Board on January 4, 2012 pursuant to Minn. Stat. §§ 103D. 261 Subd. 1 and 103D.305 Subd. 2.
2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is located in Wilkin and Otter Tail Counties and is approximately 430 square miles of land depicted on a map (Exhibit 1A) included in the Petition. The area is contiguous to BRRWD, and includes land in the Cities of Breckenridge, Kent, Rothsay, and Foxhome. The area includes lands contemplated to be included in the January 11, 2011 establishment petition for the Upper Red Lower Otter Tail Watershed District.
3. **Reasons for the Enlargement.** The Petition states that enlargement is needed for those purposes specified in Minn. Stat. §103D.201 Watershed District Purposes. In addition it would help prevent damage to property due to flooding, remove county boundaries, regulate private ditching, and provide opportunity for re-evaluation of drainage.

The record contains support for the enlargement from Wilkin, Clay, and Otter Tail Counties, City of Moorhead, and BRRWD. The record contains opposition from Bois de Sioux Watershed District, Red River Water Management Board, and City of Rothsay. Most of the entities in opposition of enlargement are supportive of establishing a stand-alone watershed district.

The Wilkin County Local Water Plan 2008-2017 includes an action to investigate the establishment of a water management structure or ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County. Wilkin County established a committee of township supervisors charged to identify resource concerns and issues; and consider management structure alternatives. The township committee by consensus found the resource concerns and issues to be predominately water quantity related, but acknowledge surface water quality also. The township committee considered structures such as Traditional Management, Working Agreement, Joint Powers Agreement, and Watershed District. The enlargement of existing neighboring Watershed Districts and the establishment of an independent Watershed District were considered.

Based on the Township Committee recommendation the Wilkin County Commissioners selected as their preferred structure an independent watershed district with the proposed boundary (Exhibit 1A).

4. **Establishment Petition.** An establishment Petition dated January 11, 2011 was filed with the Board on January 18, 2011 by Wilkin County Board of Commissioners pursuant to Minn. Stat. § 103D.205, Sub. 3. The territory is the same as the proposed enlargement of the BRRWD. A public hearing on the Petition was held on September 7, 2011. Representatives from Otter Tail County spoke in opposition. At the September 14, 2011 BWSR's North Region Local Water Management Committee Meeting Wilkin County Commissioner Lyle Hovland indicated that the Wilkin County Water Plan Task Force believes that expanding the BRRWD to include the proposed area is an acceptable alternative. With the alternative option of enlargement of the BRRWD the North Region Local Water Management Committee made the recommendation to continue the committee review in accordance with statutory time lines. Otter Tail County Board of Commissioners passed a resolution dated September 13, 2011 stating that they would join in a petition with Wilkin County to enlarge the BRRWD. This action enabled Otter Tail and Wilkin County Commissioners and Buffalo Red River Watershed District Managers to discuss the enlargement of the BRRWD to include the area proposed in the Upper Red Lower Otter Tail Watershed District Establishment Petition. That discussion resulted in the submittal of the Petition for Enlargement and Increase in the Number of Managers of the BRRWD.

As per the Wilkin County Board of Commissioners' letter dated April 10, 2012, Wilkin County will rescind the Upper Red Lower Otter Tail Watershed District establishment petition contingent on the approval of the BRRWD enlargement and increase in managers petition, with a manager distribution being: 3- Clay County, 2- Wilkin County, and 1 each for Becker and Otter Tail Counties.

5. **Number of Managers.** The Petition for the BRRWD specifies the proposed number of managers shall be increased to seven (7) from the present number of five (5) managers. The additional managers would provide added representation from the District for the proposed territory. When more than one county is affected by a watershed district, Minn. Stat. § 103D.305 Subd. 5.(b) requires the distribution of managers be made among the affected counties.

Presently, Clay County appoints three managers, Wilkin County appoints one manager, Becker County appoints one manager, and Otter Tail has no appointments.

Wilkin and Otter Tail Counties request that two additional managers be allocated to serve the expanded district, one to Wilkin and one to Otter Tail (Exhibits 20, 22, 24, and 26). Clay County and the City of Moorhead request that one of the two managers be allocated to Clay County (Exhibits 13, 21, and 21A) so they can maintain the majority of the representation based on population, drainage area, and tax capacity of the current and proposed area.

The proposed enlarged BRRWD characteristics as depicted in the follow table include two manager distribution alternatives.

Characteristic	Clay County			Wilkin County			Becker County			Otter Tail County		
	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking	Number	%	Ordinal Ranking
Land Value tax capacity	\$40,710,504	73	1	\$8,893,158	16	2	\$ 4,860,120	9	3	\$1,496,598	3	4
Drainage Area, sq miles	797	44	1	553	31	2	290	16	3	166	9	4
population, 2010 census	57377	82	1	5220	7	3	5911	8	2	1474	2	4
<i>Board Managers #s Alternative A</i>	3	43	1	2	29	2	1	14	4	1	14	4
<i>Board Manager #s Alternative B</i>	4	57	1	1	14	4	1	14	4	1	14	4

Proposed BRRWD population and taxable market values are reasonable findings to allocate of one of the two additional managers to Clay County (Alternative B). However, the distribution of managers one to Wilkin County and one to Otter Tail County closely mirrors the proposed BRRWD drainage area percentages. This manager distribution (Alternative A) represents the various hydrologic areas within the expanded territory and the entire area of the BRRWD and Clay County would still maintain the greatest number of managers

6. **Hearing Order.** At its regular meeting on January 25, 2012, the Board determined that the Petition met the requirements of Minn. Stat. §§ 103D. 261 and 103D.305, consequently ordered a public hearing to be held on the Petition and appointed the Northern Water Planning Committee to preside over the hearing and bring recommendations to the Board. (Exhibit 2)

7. **Hearing Notice.** Legal Notice of the public hearing on the Petition, pursuant to Minn. Stat. §§ 103D. 261 Subd. 1 C and 103D.305 Subd. 4, was published in the Form on January 30, and February 5, 2012 (Exhibit 4), in the Wahpeton Daily News on January 31 and February 7, 2012 (Exhibit 5), in the Barnesville Record on January 30, and February 6, 2012 (Exhibit 6), in the Fergus Falls Daily Journal on January 31, and February 7, 2012 (Exhibit 7), in the Detroit Lakes Tribune on February 1, and 8, 2012 (Exhibit 8), in the Pelican Rapids Press on February 1 and 8, 2010 (Exhibit 9), and in the Hawley Herald on January 30, and February 6, 2012 (Exhibit 10). Further, a copy of the hearing notice and map was mailed to several addressees notifying them of the public hearing, including the Becker, Clay, Wilkin, and Otter Tail County Auditors, Administrators, Attorneys, and Soil and Water Conservation Districts; all cities within the existing and proposed boundary; BRRWD; Bois de Sioux Watershed District; Red River Watershed Management Board; Department of Natural Resources; and Minnesota Association of Watershed Districts. (Exhibit 3)
8. **Public Hearing.** A public hearing was held on the Petition on February 23, 2012, at the Hildebrand Hall, Assumption Catholic Church, 307 Front Street North, Barnesville, Minnesota. The proceedings were recorded. The hearing panel consisted of Board Members Brian Napstad, Gene Tiedemann, Keith Mykleseth, and Quentin Fairbanks as chair. (Exhibit 16)

Travis Germundson, Board staff, entered Exhibits 1 through 13 into the record by reading a brief description of each exhibit.

Exhibit 1. Enlargement and Increase the Number of Managers Petition for the Buffalo Red River Watershed District, dated December 27, 2011 consisting of Exhibits 1A-1B.

Exhibit 1A. Map of the territory to be included in the proposed enlargement.

Exhibit 1B. Letter dated December 28, 2011 from Bruce Albright, Buffalo Red River Watershed District, to John Jaschke, Board of Water and Soil Resources transmitting the petition and map.

Exhibit 2. Board Order for a public hearing to be held on the enlargement and increase in the number of managers petition for the Buffalo Red River Watershed District, dated January 25, 2012.

Exhibit 3. Memorandum dated January 26, 2012 from Travis Germundson, Board of Water and Soil Resources to several addressees providing notice of the public hearing including legal notice, map, and list of addressees.

Exhibit 4. Affidavit of Publication dated January 30, 2012, of Legal Notice in The Form on January 30 and February 5, 2012.

Exhibit 5. Affidavit of Publication dated February 7, 2012, of Legal Notice in Wahpeton Daily News on January 31 and February 7, 2012.

Exhibit 6. Affidavit of Publication dated February 7, 2012, of Legal Notice in Barnesville Record Review on January 30 and February 6, 2012.

Exhibit 7. Affidavit of Publication dated February 7, 2012, of Legal Notice in Fergus Falls Daily Journal on January 31 and February 7, 2012.

Exhibit 8. Affidavit of Publication dated February 7, 2012, of Legal Notice in Detroit Lakes Tribune on February 1 and 8, 2012.

Exhibit 9. Affidavit of Publication dated February 7, 2012, of Legal Notice in Pelican Rapids Press on February 1 and 8, 2012.

Exhibit 10. Affidavit of Publication dated February 12, 2012, of Legal Notice in Hawley Herald on January 30, and February 6, 2012.

Exhibit 11. Email correspondence dated February 9, 2012, from Mark Reineke, Widseth Smith Nolting to Travis Germundson, Board of Water and Soil Resources regarding the geography and economy of the territory to be added and options for consideration.

Exhibit 12. Memorandum dated February 10, 2012 from Travis Germundson, Board of Water and Soil Resources to the Board's Northern Water Planning Committee providing notice of the hearing.

Exhibit 13. Letter dated February 21, 2012 from Grant Weyland, Clay County Board of Commissioners, to John Jaschke, Board of Water and Soil Resources expressing support for enlargement of the district and requesting that one of the two manager positions be allocated to Clay County.

The following exhibits were received during the February 23, 2012 public hearing.

Exhibit 14. Letter dated February 22, 2012 from Wilkin County Soil and Water Conservation District to the Board of Water and Soil Resources that supports the establishment of a watershed district on a watershed basis rather than political boundaries.

Exhibit 15. Letter dated February 23, 2012 from Travis Shirely, City of Rothsay to the Board of Water and Soil Resources in opposition to enlargement of the Buffalo Red River Watershed District within the city limits.

Exhibit 16. Compact Disk of audio recording of the February 23, 2012 public hearing

After all people present at the public hearing were given an opportunity to speak and enter written comments, the hearing record was left open for two weeks until 4:30 PM on March 9, 2012, for receipt of written comments. The following exhibits were received while the hearing record was open.

Exhibit 17. Letter dated February 28, 2012 from Jon Roeschlein, Bois de Sioux Watershed District to the Board of Water and Soil Resources not in support of expanding the Buffalo Red River Watershed District. The District would support a stand-alone watershed district or expansion of both district boundaries to address the petitioned area (Exhibit 11).

Exhibit 18. Email correspondence dated March 1, 2012 from John Roeschlein, Bois de Sioux Watershed District to Travis Germundson, Board of Water and Soil Resources clarifying the District's support for dismissal of the petition.

Exhibit 19. Letter dated March 2, 2012 from Thomas Richels, Wilkin County Engineer to Travis Germundson, Board of Water and Soil Resources in support of expanding the Buffalo Red River Watershed District.

Exhibit 20. Email correspondence dated March 6, 2012 from Lyle Hovland, Wilkin County Commissioner to Travis Germundson, Board of Water and Soil Resources in support of the petition specifying that the two additional managers should be from the enlarged area as proposed in the petition (1 from Otter Tail and 1 from Wilkin).

Exhibit 21. Email correspondence dated March 6, 2012 from Michael Redlinger, City of Moorhead to John Jaschke, Board of Water and Soil Resources transmitting Moorhead City Council Resolution.

Exhibit 21 A. Moorhead City Council Resolution, dated February 13, 2012 in support of the enlargement petition and Clay County majority representation. Requesting that one of the additional managers be allotted to Clay County.

Exhibit 22. Letter dated March 6, 2012 from Leland Rogness, Otter Tail County Board of Commissioners to John Jaschke, Board of Water and Soil Resources stating that the intention of the petition was that areas being added to the enlarged district receive representation of the additional managers (1 from Otter Tail and 1 from Wilkin).

Exhibit 23. Letter dated March 7, 2012 from Bruce Poppel, landowner in the proposed expanded area to Travis Germundson, Board of Water and Soil Resources expressing support for the petition and that one representative manager go to Wilkin County and one to Otter Tail.

Exhibit 24. Letter dated March 7, 2012 from Stephanie Miranowski, Wilkin County Board of Commissioners to John Jaschke, Board of Water and Soil Resources stating concurrence with the Otter Tail County Board of Commissioners letter dated March 6, 2012 (Exhibit 22).

Exhibit 25. Letter dated March 8, 2012 from John Finney, President Red River Watershed Management Board to Travis Germundson, Board of Water and Soil Resources in opposition to the petition for enlargement and support of an independent watershed district as proposed in the establishment petition of the Upper Red Lower Otter Tail Watershed District. Including attached documents of reference.

Exhibit 26. Email correspondence dated March 8, 2012 from Dan Johnson, West Otter Tail Soil and Water Conservation District (SWCD) to John Jaschke, Board of Water and Soil Resources transmitting a letter from the West Otter Tail SWCD Board of Managers.

Exhibit 26A. Letter from Charles Piekarski, West Otter Tail SWCD Board of Supervisors to John Jaschke in support of Otter Tail County Board of Commissioners' March 6, 2012 Letter (Exhibit 22).

Exhibit 27. Email correspondence dated March 8, 2012 from John Walkup, Orwell Township Otter Tail County to Travis Germundson, Board of Water and Soil Resources in favor of the petition for enlargement and increase in number of managers (1 to Otter Tail and 1 to Wilkin).

Exhibit 28. Email correspondence dated March 8, 2012 from Jonathan Piekarski, citizen Otter Tail County to Travis Germundson, Board of Water and Soil Resources in opposition of the proposed expansion of the Buffalo Red River Watershed District.

Exhibit 29. Email correspondence dated March 9, 2012 from Roger Ellefson, Buffalo Red River Watershed District to Travis Germundson, Board of Water and Soil Resources advocating that Wilkin and Otter Tail Counties be able to appoint their own managers.

Exhibit 30. Email correspondence dated March 9, 2012 from Sharon Josephson, Harvego Family Farms Wilkin County to Travis Germundson, Board of Water and Soil Resources in support of the petition to enlarge and increase in the number of managers of the Buffalo Red River Watershed District (1 from Wilkin and 1 from Otter Tail).

Exhibit 31. Letter dated March 9, 2012 from Ron Harnack, Red River Water Management Board to Travis Germundson, Board of Water and Soil Resources of additional findings in support of the Board's recommendation to deny the petition to enlarge the Buffalo Red River Watershed District and to approve the establishment petition for the Upper Red Lower Otter Tail River Watershed District.

9. **Board Staff Report.** In review of the Petition for Enlargement and Increase the Number of Managers of the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305; the proposed enlargement and increase in the number of managers meets these requirements. Board staff determines the public welfare and public interest and the purpose of Minn. Stat. §§ 103D would be served. Based on these determinations, Board staff recommends the Petition to enlarge and increase the number of managers be approved, with one new manager position coming from Wilkin County and one from Otter Tail County with a final manager distribution being 3-Clay County, 2-Wilkin County and 1 each in Becker and Otter Tail Counties.

10. **Northern Water Planning Committee.** The committee met on Wednesday, April 11, 2012. Board members and staff in attendance were committee members Brian Napstad, Keith Mykleseth, Gene Tiedemann, Quentin Fairbanks and Mike Carroll and Board staff Ron Shelito and Pete Waller. After discussion and based on the entire record, the committee voted 4 to 1 to recommend approval of the enlargement and increase in the number of managers petition of the BRRWD; increase the number of managers to 7 with the distribution being 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years of the date of the Order.

CONCLUSIONS

1. The Petition for the enlargement and increase in the number of managers of the Buffalo Red River Watershed District are valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.
2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving the enlargement and increase in the number of managers Petition for the BRRWD pursuant to Minn. Stat. §§ 103D.261 and 103D.305.
5. The enlargement and increase in number of managers of the BRRWD as proposed in the Petition would be for the public welfare and public interest and the purpose of Minnesota Statutes Chapter 103D would be served.
6. The two additional managers shall provide added representation for the proposed territory, one from Wilkin County and one from Otter Tail County.
7. The BRRWD Watershed Management Plan should be amended within two years to include the Petitioned Area.
8. Wilkin County has stated the establishment petition for the proposed Upper Red Lower Otter Tail Watershed District shall be withdrawn contingent upon the Enlargement and Increase in the Number of Managers Petition being finalized.

ORDER

The Board hereby orders that the Buffalo Red River Watershed District be enlarged per the joint Petition dated December 27, 2011 (Exhibit 1), according to map (Exhibit 1A) of said Petition attached and made part of this Order hereof, that the number of managers be increased to seven with the two additional managers one appointed from Wilkin County one appointed from Otter Tail County. The Board further orders that the Watershed Management Plan for the Buffalo Red River Watershed District be amended within two years of the date of this Order to include the Petitioned Area.

Dated at Saint Paul, Minnesota this _____ day of April, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

Wilkin Water LWP 2008 – 2017; Action item within the LWP Implementation Plan (page 20): 'Investigate establishment of a water management structure/ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County.'

July 2008; Wilkin County Commissioners invite Wilkin County Township supervisors to begin meeting regarding water management within the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County. A five member committee of township supervisors was appointed by Wilkin County Commissioners to research possible options.

July 2008 to November 2009; The five member committee of township supervisors identified resource concerns and issues and discussed management structure alternatives.

November 2009; Township Committee recommends to Wilkin County Commissioners a watershed district as the preferred water management structure and the proposed boundary as the preferred area to be included.

December 2009; Wilkin County proposed the idea to Otter Tail County Commissioners. Counties agreed to hold joint public information meetings in Fergus Falls & Breckenridge (chaired by Commissioners Lyle Hovland, Wilkin County, and John Lindquist, Otter Tail County).

February 1, 2010; Information meeting held in Breckenridge (60 to 80 people attended)

February 3, 2010; Information meeting held in Fergus Falls (60 to 80 people attended)

Outcome of the meetings: Commissioners asked lead local staff to investigate/develop alternative management structure options and determine if there are potential cost savings vs a watershed district.

March 10, 2010; West Ottertail SWCD funded plane rides for local officials over the majority of the area within Otter Tail County, focusing on the JD 2 area.

April 13, 2010; Otter Tail County sent a letter to Wilkin County stating their opposition to the WD and their intent to investigate establishing a Special Taxing District via 103B.

April 27, 2010; Otter Tail County held the required hearing to establish a Special Taxing District (103B.245) for the majority of the area within Otter Tail County. The purpose of the Special Taxing District would be to deal with water quality issues. Two Wilkin County Commissioners attended.

June 2010; Wilkin County drafted an establishment petition for the Upper Red Lower Otter Tail Watershed District. Also requested Otter Tail County provide names for potential managers.

June 25, 2010; Otter Tail held a meeting with 6 to 8 Otter Tail residents. Meeting purpose was to educate residents about being a WD manager.

July 2010; Full Board of Otter Tail County Commissioners met with Wilkin County Commissioners to express their opposition to establishing the Upper Red Lower Otter Tail WD.

September 1, 2010; Wilkin County held WD manager education meeting at the Rothsay Community Center.

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

January 2011; Upper Red Lower Otter Tail Watershed District Establishment petition was filed with BWSR.

January 18, 2011; Otter Tail County Commissioners submitted a resolution in opposition to the petition for the establishment.

April 1, 2011; DNR required report and preliminary map submitted. The DNR has completed its review, supports the establishment the establishment of a WD within the Otter Tail River system and has no objections to the proposed petition.

April 13, 2011; BWSR North Region Local Water Management Committee recommends approval of draft order to hold a public hearing on the establishment.

May 24, 2011; Otter Tail County held a hearing to establish a Special Taxing District (103B.245) for the majority of the proposed watershed area within Otter Tail County.

June 15, 2011; The Wilkin County Board requested that the hearing be held following planting season. The BWSR North Region Local Water Management Committee recommended that the BWSR move forward with an establishment hearing for the Upper Red/Lower Otter Tail Watershed District and that the hearing be held on July 20 in Rothsay MN.

June 22, 2011 BWSR Order for a public hearing to be held on the establishment petition.

June 28, 2011; Otter Tail County passed a resolution establishing a Special Taxing District via 103B.

July 2011; July 20th establishment hearing is postponed due to state government shutdown.

August 4, 2011; John Jaschke, Executive Director approves rescheduling of establishment hearing date of September 7, 2011.

September 7, 2011; **Establishment hearing was held and written comments accepted until noon Wednesday September 14, 2011.**

September 13, 2011; the Otter Tail County Commissioners submitted a resolution they would join in a petition with Wilkin County to join the Buffalo-Red River Watershed District, and requested the petition to establish a new Watershed District be stayed.

September 14, 2011; North Region Local Water Management Committee passed a motion to continue the process as allowed in 103D statute.

September 28, 2011; **Board was provided information from the North Region Local Water Management Committee motion to continue the Upper Red Lower Otter Tail Watershed District Establishment.**

October 5, 2012; Otter Tail and Wilkin County Commissioners and Buffalo Red River Watershed District Managers met to discuss the pros & cons of enlarging the Buffalo Red River Watershed District to include the area considered in the Upper Red Lower Otter Tail Watershed District Establishment.

Chronology/Status Report
Upper Red Lower Otter Tail Watershed District Establishment Petition
&
Buffalo Red River WD Enlargement & Increase Number of Managers Petition

January 4, 2012; BWSR received a joint petition to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two from Otter Tail County, Wilkin County and the Buffalo Red River Watershed District.

January 19, 2012; BWSR North Region Local Water Management Committee recommends approval of draft order to hold a public hearing on the Buffalo Red River Watershed District enlargement and increase of managers petition.

January 25, 2012; BWSR Order for a public hearing to be held on the Buffalo Red River Watershed District enlargement and increase of managers petition.

February 23, 2012; Hearing was held for Buffalo Red River Watershed District Enlargement and Increase Number of managers. Written comments were accepted until 4:30 pm Friday, March 9, 2012.

April 11, 2012; The committee met and based on the entire record, the committee decided to recommend enlarging the BRRWD per the petition; increase the number of managers to 7 with the distribution being 3-Clay County, 2-Wilkin County, 1-Becker County and 1-Otter Tail County; and the BRRWD's Watershed Management Plan be amended within two years of the date of the Order. Wilkin County has stated the establishment petition for the proposed Upper Red Lower Otter Tail Watershed District shall be withdrawn contingent upon the Enlargement and Increase in the Number of Managers Petition being finalized

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

114 FRONT STREET SOUTH - PO BOX 341

PHONE 218-354-7710

December 28, 2011

RECEIVED

JAN 04 2012

John Jaschke, Executive Director
MN Board of Water and Soil Resources
500 Lafayette RD N
St. Paul, MN 55155

Bd. of Water & Soil Resources
St. Paul

RE: Enlargement Petition and Petition to Increase Number of Board Members

John,

Enclosed, please find the original copy of the above referenced petition, which has now been signed by the Otter Tail and Wilkin County Commissioners, and the Buffalo-Red River Watershed District (BRRWD). We look forward to working with your staff in both regards.

If you should have questions or comments concerning the above or enclosed, please feel free to contact this office.

Sincerely,

BUFFALO-RED RIVER WATERSHED DISTRICT


Bruce E. Albright
BRRWD Administrator

BEA/jj

Encl: As noted above

cc: Pete Waller, Board Conservationist, MN Board of Water & Soil Resources, 1004 Frontier DR
Fergus Falls, MN 56537
Gerald L. VanAmburg, Chairman, Buffalo-Red River Watershed District, 4518 5th ST S,
Moorhead, MN 56560
David J. Hauser, Otter Tail County Attorney, 121 W Junius, Suite 320, Fergus Falls, MN 56537
Tim Fox, Wilkin County Attorney, 420 Nebraska AVE, Breckenridge, MN 56520

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
ST. PAUL, MINNESOTA

In the Matter of the Petition to
Enlarge Buffalo-Red River Watershed District

**ENLARGEMENT PETITION and
PETITION TO INCREASE
NUMBER OF BOARD MEMBERS**

Pursuant to Minnesota Statutes §103D.261, and Minnesota Statute §103D.305, Petitioner's request that the Minnesota Board of Water and Soil Resources enlarge the boundaries of the Buffalo-Red River Watershed District (BRRWD).

I.

That the area to be added to the Buffalo-Red Watershed District (BRRWD) is contiguous to the existing watershed district, and is the lands contemplated to be included in the petition to create the Upper Red Lower Otter Tail Watershed District, which is now before the board, but being continued pending this petition.

II.

The Managers of the BRRWD believe that this additional area can be administered by the District. The staff of the District also believes it can manage the additional area. Some additional staffing would be required and can be funded by the attribution of costs through various projects. The offices of the District are in Barnesville which will be centrally located in the enlarged district.

III.

That the proposed expansion is needed as a means of conserving and making prudent use of the waters and natural resources of the state within the additional territory to be included in the district, and for the following purposes:

1. Control or alleviation of damaged by flood waters;
2. Improvement of stream channels for drainage, navigation, and any other public purpose;
3. Reclaiming or filling wet and overflowed lands;
4. Providing water supply for irrigation;
5. Regulating the flow of streams and conserving the waters thereof;
6. Diverting or changing watercourses in whole or in part;

7. Providing and conserving water supply for domestic, industrial, recreational, agricultural, or other public use;
8. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
9. Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district;
10. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
11. Regulation improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;
12. Protecting or enhancing the quality of water in watercourses or bodies of water;
13. Providing for the protection or groundwater and regulating groundwater use to preserve groundwater for beneficial use.

Addition of the area to the BRRWD will be conducive to the public health and public welfare and accomplish the purposes of M.S. Chapter 103D for the following reasons:

14. Would prevent damage to farm buildings and farm yards, public roads and farmlands due to flooding.
15. Would remove county boundaries from determining an overall and comprehensive use of the water and natural resources.
16. Would control and regulate private ditching, obstruction of natural waterways and the antagonism amongst neighboring land owners regardless of the county in which they were located.

That the nature and extent of the contemplated projects in the new areas include:

17. A re-evaluation of drainage, ditches, affected areas and proper assessment districts including a re-determination of benefits derived from drainage as is currently assessed which assessment could be made no the territory affected regardless of county boundaries.
18. A comprehensive plan for water use and natural resources within the area.

IV.

A map of the area to be added to the BRRWD is attached to this petition.

V.

The name of the proposed enlarged watershed district will continue to be the Buffalo-Red River Watershed District.

VI.

For reasons stated in paragraph three the expansion of the BRRWD is requested. A new watershed district, the proposed Upper Red Lower Otter Tail, had been considered, however, that would have been a small watershed district which would have been more difficult to administer. It is believed that as part of the expanded BRRWD the area would be more efficiently administered and being part of the larger watershed district is supported by citizens in the area.

VII.

To serve the expanded district, the petitioners propose increasing the number of managers from five to seven pursuant to Minnesota Statute §103D.305.

WHEREFORE, the petitioner prays that the Board fix a time and place for a hearing hereon and upon such hearing make its order:

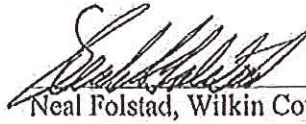
1. Expanding said watershed district.
2. Fixing and defining the boundaries of the district.
3. Increase the number of managers.
4. For such other and further orders as may be necessary for the expansion of the district as allowed by law.

Signed this 13th day of December, 2011, by the Chairman of the Otter Tail County Board of Commissioners as authorized by resolution of said Board and attested to by the Clerk of the Board.

Laura Krohn
Clerk of the Board

John Lindquist
John Lindquist, Chairman, Otter Tail County Board

Signed this 20 day of December, 2011, by the Chairman of the Wilkin County Board of Commissioners as authorized by resolution of said Board and attested to by the Wilkin County Auditor.

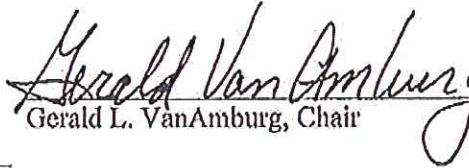


Neal Folstad, Wilkin County Board

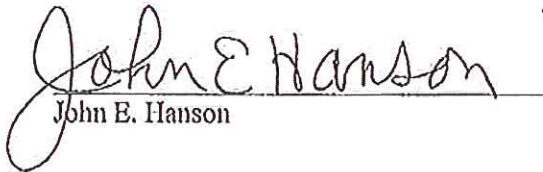


Wayne Bergmark
Wilkin County Auditor

Signed this 27th day of December, 2011, by the Chairman of the Buffalo-Red River Watershed District as authorized by resolution of said Board and attested to by the Secretary of the Buffalo-Red River Watershed District.



Gerald L. VanAmburg, Chair



John E. Hanson

*Board of Commissioners
Wilkin County, Minnesota*

TELEPHONE (218) 643-4981
P.O. BOX 409
BRECKENRIDGE, MINNESOTA 56520



John Jaschke
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155

Dear Mr. Jaschke:

Wilkin County is submitting this letter to clarify our position on the initial petition for the establishment of the Upper Red Lower Otter Tail Watershed District. At the September 14, 2011 BWSR North Committee meeting, Wilkin County requested the Committee to delay action on the petition to establish the Upper Red Lower Otter Tail Watershed District, because there was ongoing discussion with Otter Tail County to submit a petition for the expansion of the Buffalo-Red Watershed District. Since a petition was submitted jointly from Wilkin County, Otter Tail County and the Buffalo-Red Watershed District for the expansion of the watershed district and the required public hearing was held on February 23, 2012, Wilkin County is willing to rescind the original petition for the formation of the Upper Red Lower Otter Tail watershed district contingent on the following.

1. BWSR approves the expansion of the Buffalo-Red Watershed District as presented in the petition.
2. BWSR approves to increase the number of managers from 5 to 7 members distributed as follows; Clay County 3 managers, Wilkin County 2 managers, and Becker and Otter Tail Counties 1 each.

If each of these two contingencies are met, Wilkin County will rescind the original petition for the formation of the Upper Red Lower Otter Tail Watershed District immediately following BWSR final decision.

If BWSR chooses to approve something different than the 2 contingencies, then Wilkin County reserves the right to request BWSR to take action on the original petition filed by Wilkin County.

Sincerely,

Stephanie Miranowski
Chairman – Wilkin county Board of Commissioners



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Crow Wing SWCD Supervisor Nomination
District Change**

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

Decision on Crow Wing SWCD Nomination Districts Changes

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Crow Wing Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on January 18, 2012. The reason for this resolution is to have Whitefish Lake be entirely within one Nominating District in order to better represent the area. Whitefish Lake is currently split between Nominating Districts 3 and 4. The proposed Nomination Districts will result in Whitefish Lake being entirely within District 4. Nominating Districts 1, 2 and 5 are not affected by the proposed change.

Resolution Nomination Districts

Be it resolved by the Crow Wing Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

<u>District</u>	<u>Description of Boundaries</u>
-----------------	----------------------------------

I To include: Fort Ripley, St. Mathias, Crow Wing, Oak Lawn Townships and City of Baxter.

II To include: Long Lake, Daggett Brook, Maple Grove, Platte, Roosevelt, Garrison Townships

III To include Fifty Lakes, Emily, Fairfield, Center, Little Pine, Ross, Mission, Perry Lake, 2nd Assessment Townships.* To Remove Crosslake from Current boundaries.

IV To include: Timothy, Gail Lake, Lake Edward, Pelican Lake Townships and the *City of Crosslake* City of Jenkins, City of Pequot lakes, City Breezy Point, and City of Nisswa, and 1st Assessment. These new boundaries would provide the opportunity for entire Whitefish Chain to be in one district versus two districts. (for adding the City of Crosslake)

V To include: Wolford, Rabbit, Irondale, Deerwood, Nokay, and Bay Lake Townships.

I, Diane Jacobson, Secretary of the Crow Wing Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Crow Wing Soil and Water Conservation District into five nominating areas was adopted by the said District by the said District Supervisors at a regular meeting held on January 18, 2002, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 5 of the members present.

Signed: Diane Jacobson

Secretary

Crow Wing Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the _____ Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the _____, 20____, with the original as set forth in the minutes of said meeting, and that said copy is true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that quorum of members of said Board was

present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the member present.

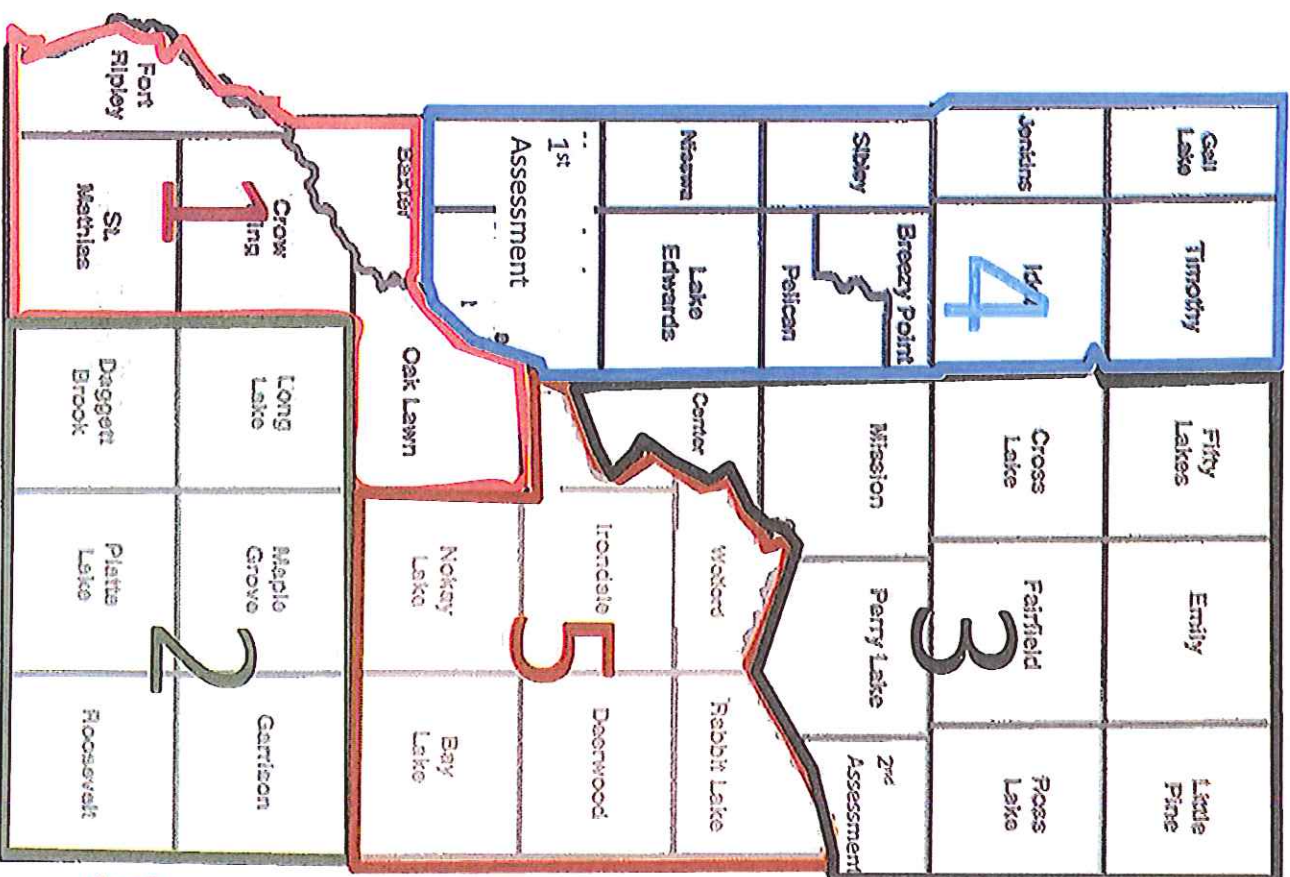
Signed: _____
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 20____

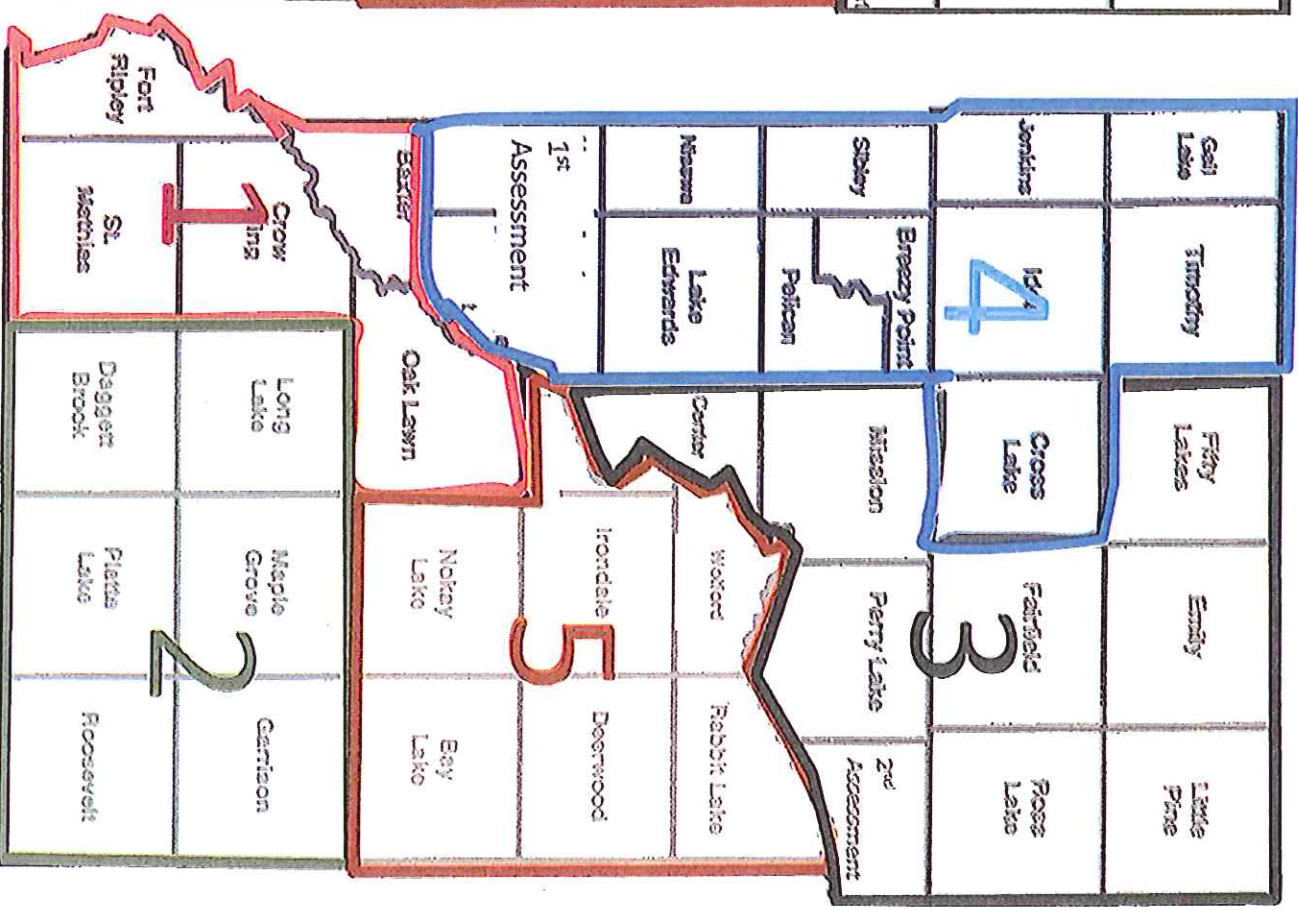
Signed: _____
County Auditor

_____ County

Current Election Boundaries



Proposed Election Boundaries





BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Isanti County CLWMP 5 Year Amendment

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern

Contact: Jason Weinerman

Prepared by: Jason Weinerman

Reviewed by: Northern Water Planning Committee(s)

Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of the Five Year Amendment of the Isanti County Comprehensive Local Water Management Plan

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

On June 30, 2006, the Board of Water and Soil Resources approved the Isanti County Comprehensive Local Water Management Plan with a date range from 2006 to 2016. The Board required a five year amendment of the Plan by 2011.

The County passed a resolution to amend the Plan on April 20, 2011 and submitted the updated Plan to the Brainerd field office on December 5th, 2011. As part of the submission, the water planner included documentation of the required public hearing. Agency comments were received from the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency.

The five year Plan amendment was presented to the Northern Water Planning Committee on April 11, 2012. As the Plan amendment met state statutes and is non-controversial, the Committee recommends forwarding the Plan to the full Board for approval.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Amendment
for **Isanti County** (Minnesota Statutes , Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN AMENDMENT

Whereas, the **Isanti** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Amendment) to the Board on **December 5, 2011** pursuant to M.S. Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

- 1) On **June 30, 2006**, the Board of Water and Soil Resources approved the Isanti County Comprehensive Local Water Management Plan from 2006 to 2016 with a requirement for an amendment by 2011.
- 2) On **April 20, 2011**, the Isanti County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
 - A) Development Pressure
 - B) Natural Habitat/Impaired Waters
 - C) Groundwater Quality and Quantity
- 4) On **December 5, 2011**, the BWSR received the **Isanti** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan amendment to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **April 11, 2012**, the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year amendment of the **Isanti** County Plan Amendment.
- 6) This amendment will be in effect until **May, 2016**.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of **Isanti** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Isanti** County Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached five year amendment of the **Isanti** Local Water Management Plan **May 31, 2006 to May 31, 2016**.

Dated at **St. Paul**, Minnesota, this **twenty fifth day of April, 2012**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

I. Executive Summary

Introduction

Isanti County is located north of the twin cities metro region amid the Anoka Sand Plain with relatively smooth relief and fingerlike depressions of lakes and rivers, developing into gently rolling hills along the northwestern and southwestern edges. The majority of the county's 54 protected lakes and 151 protected wetlands are formed in this sandy area. The Rum River flows through the county from the west to the northeast, then abruptly turns and flows out to the south – southeast. Greater than eighty percent of the county lies within the Rum River Watershed. The eastern edge (14%) is in the St. Croix River Watershed and two fingers (5%) of the Snake River Watershed creep down along the northern edge of the county. Isanti County is bordered on the east by Chisago County, north by Kanabec County, west by Mille Lacs County and Sherburne County and south by Anoka county in east central Minnesota. It is 24 miles across at the southern border and 18 miles across at the northern border, extending 22 miles from north to south. It encompasses a total area of 452 square miles or 289,404 acres. The City of Cambridge is the county seat. The county population between (2000) and (2010) has increased by 20.9%.

Agriculture, in the form of cultivated land is the dominant land use within the county. Of the 289,404 acres of land in Isanti County, 103,358 acres (35.7%) is classified as cultivated land. The county acreage classification includes 3.1% water and 3.4% wetlands.

Isanti County's Local Water Management Plan (LWMP) is implemented by the Isanti County Zoning Office. The original LWMP was formally adopted on August 18, 1993. A plan revision was implemented in 2000 and expired on December 31, 2005. This ten-year plan will be effective on or before January 1, 2006 and be implemented through December 31, 2015 with a five-year amendment to goals, objectives and action items.

Purpose

The purpose of this LWMP is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Isanti County. Pursuant to the requirements of Minn. Stat. 103B.311subd., the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan must cover a ten year period (2006 – 2015).

Changing development patterns and economic growth will eventually create more pressure on natural resources and impact agricultural, water resources and recreational needs of Isanti County residents.

Description of Priority Concerns

Following public participation meeting in Isanti County, priority concerns were established. This meeting was facilitated with both a survey of perceived threatened resources and problems within the county and an active participation process to address these problems. From this process, the following priority concerns were identified:

1. Development Pressures: Zoning and Ordinances – platting within the shoreland / sensitive areas, stormwater runoff and existing drainage systems.
2. Natural Habitat / Impaired Waters: breaking up contiguous natural areas for habitat, destruction of wetlands, development of agriculture lands and diminishing water quality in area lakes.
3. Groundwater Quality and Quantity: failing septic systems, agriculture contamination, potential for well contamination, arsenic / radon, and education needs of the public.

These three issues will be the focus in establishment of goals, objectives and a plan for implementation.

Summary of Goals and Actions

During the public input process, pressure on the lakes created by development was the number one concern of residents in Isanti County.

Cumulative Effects of Development on Surface Waters Goal: Develop regulations, education, and incentives to ensure orderly development with minimal impacts to sensitive areas to preserve Isanti County's natural resources. Actions focus on implementation of the following objectives:

- ✚ Guide new development with comprehensive planning, accurate information, and consideration for natural resources.
- ✚ Improve stormwater runoff quality by compliance with stormwater rules, continuing public education, and promotion of BMPs.

Protection and Restoration of Natural Habitat and Impaired Waters Goal: Preserve and improve quality and quantity of habitat areas and quality of lakes and wetlands in Isanti County. Actions focus on implementation of the following objectives:

- ✚ Implement and promote land use practices that will reduce and/or mitigate negative human impacts on natural resources.
- ✚ Position Isanti County to maximize local control and funding of **TMDL (Total Maximum Daily Loads)**.
- ✚ Reduce the loss of water clarity in Isanti County lakes and rivers by promoting lakeshore and river stewardship, wetland restoration, and preservation of habitat areas.

Groundwater Quality and Quantity Goal: Protect groundwater quality and quantity through education and enforcement of existing regulations. Actions focus on implementation of the following objectives:

-
- ✚ Educate County residents about distribution of naturally occurring contaminants in groundwater, well construction, and geologic factors that affect contaminant distributions.
 - ✚ Work to prevent failure of SSTS (Subsurface Septic Treatment Systems) and related sewage pollution in Isanti County.

Consistency of plan with other pertinent local, state, and regional plans

Plans considered in the completion of this document include the Upper Mississippi River Basin Plan with data and concerns regarding the Rum River and the St. Croix Basin Water Resources Planning Status Report with its data on the North Branch of the Sunrise River. Input from Chisago and Anoka County was considered and included in the implementation strategies of this plan. Chisago County expressed concerns regarding the North Branch of the Sunrise River TMDL, increased coordination on water resources issues between Chisago and Isanti Counties, and stormwater management in developing areas. Anoka County expressed concern as a downstream neighbor that has already experienced the development pressures now being faced by Isanti County. Their suggested focus on Impaired Waters, protection of sensitive areas and the Rum River fit with Isanti County's focus areas.

Summary of recommended amendments of other plans and official controls

The Isanti County Local Water Management task force recommends statewide revision of the Shoreland Regulations. It was the feeling of the general public, supported by the task force, that the existing regulations do not adequately preserve the sensitive shorelines that are still undeveloped.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Itasca County Water Plan Amendment

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- ☒ None ☐ General Fund Budget
☐ Amended Policy Requested ☐ Capital Budget
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget
☐ Other: _____ ☐ Clean Water Fund Budget

ACTION REQUESTED

Decision

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

By Board Order, the Board of Water and Soil Resources (Board) approved the Itasca County Comprehensive Local Water Management Plan (Plan) on March 28, 2007. The Plan covers the ten year period of March 2007 to March 2017 and contained a 2007 -2012 implementation section. Board Order required an update of the Implementation section (Goals, Objectives, and Actions) by March 28, 2012. Following the guidelines established by the Board, Itasca County has completed the local water management plan amendment process and submitted the 'Implementation Plan Amendment April 2012-March 2017. The Board's Northern Water Planning Committee (Committee) met on April 11, 2012 to review the Itasca County Plan Amendment. The Committee recommends approval of the Plan Amendment.

See attachments: Board Order, County Location Map and the Itasca LWP Implementation Plan Amendment April 2012 - March 2017.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update
for Itasca County (Minnesota Statutes , Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, on March 28, 2007, the Minnesota Board of Water and Soil Resources Board (Board), by Board Order, approved the Itasca County Comprehensive Local Water Management Plan Update (Plan); and

Whereas, The Board Order stipulated Itasca County was required to update the action plan in five-years (2012); and

Whereas, the Itasca County Board of Commissioners submitted a Local Water Management Plan 2012 Amendment to the Board on February 15, 2012; and

Whereas, the 2012 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2012 Amendment;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

- 1) In April 2011, Itasca County convened its water plan task force to review to review past accomplishments and consider proposed changes to the Plan.
- 2) The Itasca County Water Plan Implementation Committee met several times during 2011 and 2012 to receive input and develop the amendment.
- 3) On February 15, 2012, Itasca County submitted the 2012 Amendment which includes the 2012-2017 five year implementation schedule for the required state agency review.
- 4) On April 11, 2012, the BWSR North Region Planning Committee met to review the proposed amendment.
- 5) This update will be in effect until **March 28, 2017**.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Itasca County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Itasca County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Itasca County Local Water Management Plan.

Dated at St. Paul, Minnesota, this 25th day of April, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Polk County LWMP Update Approval

Meeting Date: April 25, 2012

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Ron Shelito

Prepared by: Brian Dwight

Reviewed by: Northern Water Planning Committee(s)

Presented by: Committee Member

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Board approval of the Polk County Local Water Management Plan Update

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Polk County Plan Update adequately addresses all of the priority concerns identified in the Priority Concerns Scoping Document. The priority concerns for this Plan Update have remained the same as in the previous Plan with an addition of an additional priority concern. Priority concerns for this Plan update are:

- Surface Water quality: With attention give to lakes in East Polk County and source water protection (surface water appropriations) for domestic use in West Polk County
- Quantity of water passing through Polk County
- Management, Enhancement, and Preservation of Natural Resources
- Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species (new priority concern)

The Plan Update identifies four major watersheds within the county (Grand Marais River, Sand Hill River, Red Lake River and the Clear Water River) and has identified the tasks needed to address priority concerns in the watersheds. In addition to the LWMP objectives, the Polk Plan Update also makes specific reference to the Red Lake and Sand Hill River Watershed Districts Long Range Plans as a major guidance document for the implementation strategies for the priority concerns identified in the Polk County Plan Update. The Polk County Plan Update is identified as a 10-year plan with a review of the plan in five years. The Polk County Local Water management Plan meets the content requirements in 103D.314, follows BWSR guidelines and addresses the issues identified by the local planning task force and the state review agencies. The Northern Water Planning Committee recommends approval of the Polk County Local Water Management Plan.

Minnesota Board of Water and Soil Resources
520 Lafayette Road N.
Saint Paul, MN 55155

In the Matter of Reviewing the Local Water Management Plan Update
For Polk County (Minnesota Statutes, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL WATER
MANAGEMENT
PLAN UPDATE

Whereas, the Polk County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on March 14, 2012, pursuant to M.S. Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

- 1) On April 6, 2010 The Polk County Board of Commissioners passed a resolution to update their Local Water Management Plan, pursuant to M.S. Sections 103B.301- 103B.335.
- 2) On April 15, 2011 the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Polk County, pursuant to M.S. Section 103B.312.
- 3) On June 15, 2011 The Northern Plan Review Committee reviewed the Priority Concerns Scoping Document with representatives from Polk County.
- 4) On June 22, 2011 the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on June 25, 2011.
- 5) The priority concerns, in no particular order of importance, the Plan Update addresses include:
 - Surface Water quality: Lakes in East Polk County and Surface water quality particularly for domestic use in West Polk County
 - Quantity of water passing through Polk County
 - Management, Enhancement, and Preservation of Natural Resources in Polk County
 - Exotic and Invasive Species Management: Aquatic and Terrestrial Invasive Species

- 6) On March 14, 2012 the BWSR received the Polk County Plan Update for final review.
- 7) On March 16, 2012 the final Polk County Plan Update was sent out for state agency review.
- 8) Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture: Missing the plan input opportunity during Priority Concerns Scoping, MDA provided suggestive considerations to the final Plan Update regarding agricultural drainage, ground and surface water protection, and manure management.
 - B) Minnesota Department of Health: Approve the entire Plan Update as submitted
 - C) Minnesota Department of Natural Resources: The DNR stated that the Plan Update adequately addressed the stated priority concerns and recommends its approval but provided comments regarding suggestive changes to grammatical corrections, goal and objective statements, and formatting to provide for better “readability”.
 - D) Minnesota Pollution Control Agency: no recommendation received
 - E) Minnesota Environmental Quality Board: no recommendation received;
 - F) Minnesota Board of Water and Soil Resources: the Plan Update meets plan content requirements of 103B.314 and regional staff recommends approval;
- 9) On April 11 2012, the Northern Water Planning Review Committee of the board meet with representatives from Polk County to review the Plan Update, and the recommendations of the state review agencies regarding final approval of the Polk County Plan Update.
- 10) Northern Water Plan Review Committee: Pending no concerns brought forward at the public hearing held by the Polk County board of Commissioners regarding the Polk County Plan Update the Northern Plan Review Committee recommends approval of the Polk County Local Water Management Plan
- 11) On April 20, 2012 a record of the public hearing, and copies of all written comments pertaining to the Plan Update where received by the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 12) This Plan Update will be in effect for a ten-year period until April 25, 2022, with a review and an update of the work plan in 2017.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of Polk County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Polk County Plan Update attached to this Order states water and water-related problems within the county; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Polk County Local Water Management Plan – April 25, 2012 to April 25, 2022 with a review and update of its work plan in 5 years.

Dated at St Paul, Minnesota, this twenty-fifth day of April 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

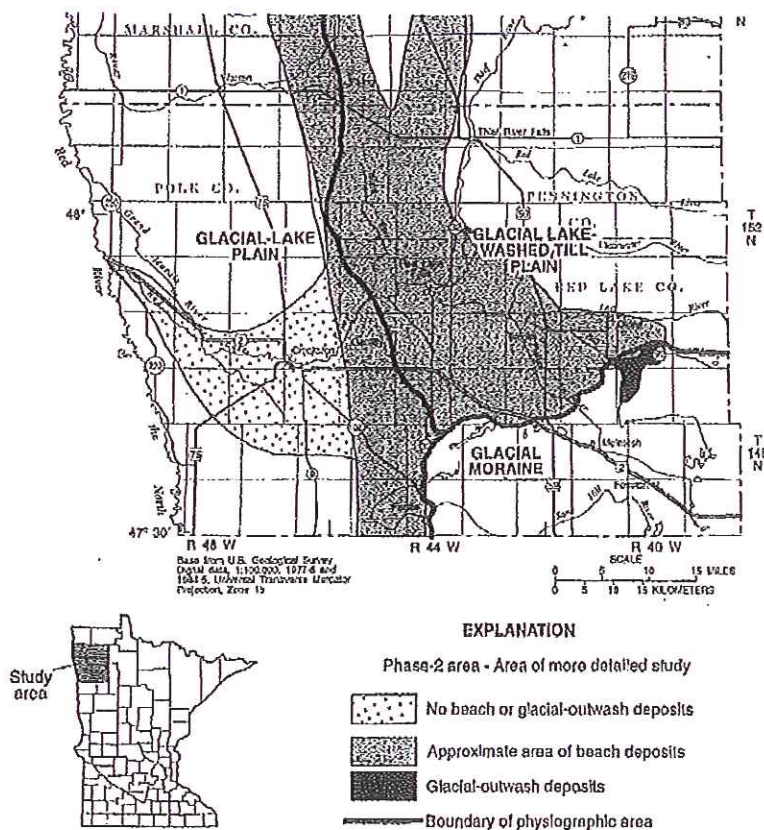
BY: Brian Napstad, Chair

I. Executive Summary

Introduction

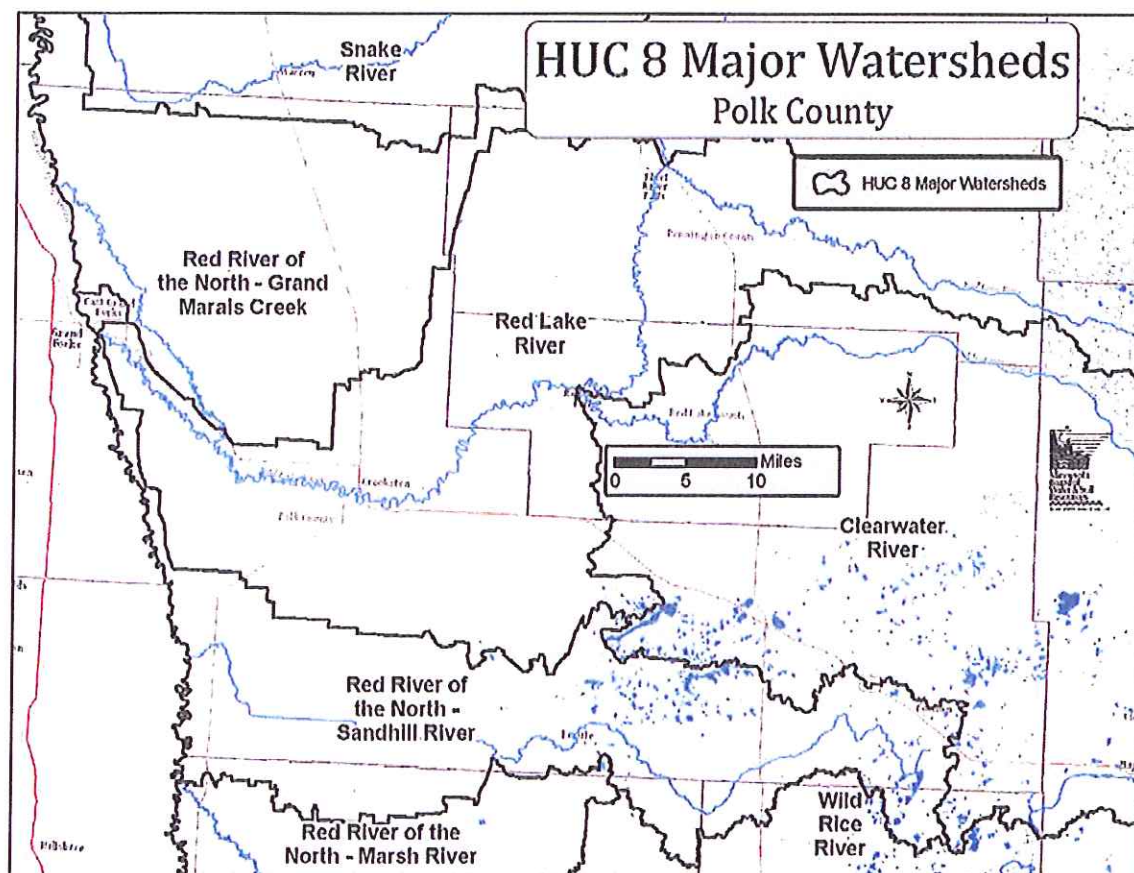
Polk County is located in northwest Minnesota. According to the U.S. Census Bureau, the county has a total area of 1,998 square miles, of which 1,971 square miles are land and 27 square miles are water. According to the April 1, 2010 census, the population of Polk County was 31,600. Projected population change as reported by the Minnesota Demographic Center, (June, 2007) show the population increases slightly (32,610) by the year 2015. The County seat is located in Crookston and the largest community is East Grand Forks. There are 58 townships and 15 cities within the county.

Polk County includes three general physiographic areas; glacial-lake plain, glacial lake-washed till plain, and glacial moraine area. The western third of Polk County is glacial-lake plain. This area is extremely flat, sloping only a few feet per mile. At one time it was the floor of glacial Lake Agassiz. The silty loam sediments that accumulated there formed fertile soils making one of North America's most fertile farming regions. The glacial lake-washed till plain is flat to gently rolling area that has local relief up to 15 feet and is located mid-county. The western part of the glacial lake-washed till plain is traversed by north-south and northeast-southwest trending long, narrow beach ridges, some are as much as 20 feet high. The glacial moraine is an area of hills and depressions that has local relief up to 150 feet and is present in the eastern part of Polk County. (U.S. Geological Survey, *Water-Resources Investigation Report 95-4201*, 1996).



Polk County lies within the Red River of the North Basin Watershed. Due to the unique lake/river basin soils left by Glacial Lake Agassiz the primary land use of Polk County is agriculturally based, approximately 78%. The 2007 Census of Agriculture County Data from the USDA National Agriculture Statistic Service shows the number of farms in Polk County is 1,609 with the average farm size at 684 acres. The total cropland acres are 976,367 and with 10,439 acres of irrigated land. Land use practices in the beach ridge areas have previously been gravel mining and agriculture. These areas are now trending toward the restoration of pre-settlement conditions.

Four major watersheds are predominant within the jurisdictional boundaries of Polk County. They include the *Grand Marais Creek*, *Red Lake River*, *Sand Hill River* and the *Clearwater River Watersheds*. Three other major watersheds have small acreage within the County. They are the *Wild Rice*, *Snake*, and *Marsh Watersheds*.



Purpose of the Local Water Management Plan:

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Polk County. Pursuant to the requirements of Minn. Stat. 103B311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan will cover a ten year period (2012 – 2022) with an implementation plan that will cover a five year period (2012 – 2017) and will then be update for the remaining five years.

Polk County Local Water Management Plan's Update Process

The Polk County Water Plan focuses on water and related land resource issues. The county has gathered and studied available information relating to the physical environment, including, but not limited to, the surface and ground water resources, and their related land use.

Concerns were identified, analyzed, and prioritized by the Polk County Water Plan Task Force Committee within the context of the watershed units and ground water systems where appropriate. The plan applies to the entire area within the county.

The Polk County Water Plan is coordinated and administered by the East Polk Soil and Water Conservation District and the West Polk Soil and Water Conservation District.

The Polk County Water Plan (previously known as the Polk County Comprehensive Local Water Plan) was first developed and approved by the Minnesota Board of Water and Soil Resources in 1990. It was developed as a five year plan and was updated in 1997 (the 1990-1995 Plan was granted a two year extension). The 1997-2002 Plan was granted a two year extension. The 2005 to 2009 plan was also granted a two year extension which expired December 31, 2011.

Priority Concerns of Polk County

Priority Concern #1

The Polk County Local Water Management Plan will focus on protection and enhancement of surface water quality. Specific areas of focus will be:

- Lake Region in the eastern part of the county, with specific focus on the human impacts.
 - Increases in development around smaller, non-recreational lakes and larger wetland complexes should be assessed to determine if adverse impacts have affected the water quality of these smaller bodies of water.
 - For nearly all of the lakes in this ecoregion phosphorus is the limiting factor. Major management efforts related to water quality are directed at limiting the amount of phosphorus loading into the lakes.
 - Sediment loading has also become a major concern to the water quality of the lakes. Proper land use management and implementation of Best Management Practices needs to be analyzed and addressed.
- Surface water and ground waters in the western part of the county.
 - The City of East Grand Forks receives its public water supply from the Red Lake River.
 - The Red Lake River is impaired for turbidity and management efforts should focus on sediment loading into the Red Lake River and its tributaries.
- In addition to the above mentions specific areas of concern for Polk County, The County Board, Watershed Districts and SWCD's will actively pursue efforts to address surface water quality concerns within the county.
- Although surface water is of primary concern for Polk County we will be responsive to the need to monitor and protect our groundwater resources. We will participate to our fullest capacity but state and federal agencies such as Minnesota Department of Health (MDH) and United States Geological Survey (USGS) will need to be the primary source for groundwater protection and management.

Priority Concern #2

Due to the fluvial geomorphic characteristics of the Red River of the North Basin, Polk County is subject to frequent flooding. Some factors such as topography and increase precipitation are unmanageable, but other factors such as flood plain encroachment, channelization of waterways, land use practices and effective private drainage into public systems, are factors that can be assessed for *Best Management Practices*.

- Polk County Local Water Management Plan will focus on the quantity of water passing through the County and its associated watersheds by inventorying, assessing and evaluating the drainage infrastructure.

Priority Concern #3

Polk County is concerned with the preservation and enhancement of its natural resources. The geology of Polk County is divided into 3 distinct areas; the glacial-lake plain, glacial lake washed till plain and glacial moraine region. These major areas, because of their size, unique geographical features, and wide diversity of natural resources are of significant benefit to the area and citizens.

- Polk County in cooperation with other local, state, and federal agencies will work to restore, enhance and protect these areas through programs and projects that accomplish this; cautious it is not done at the expense of the local economy.

Priority Concern #4

Polk County Local Water Management Plan will identify any new or yet to date undiscovered exotic and invasive species for prevention and management practices.

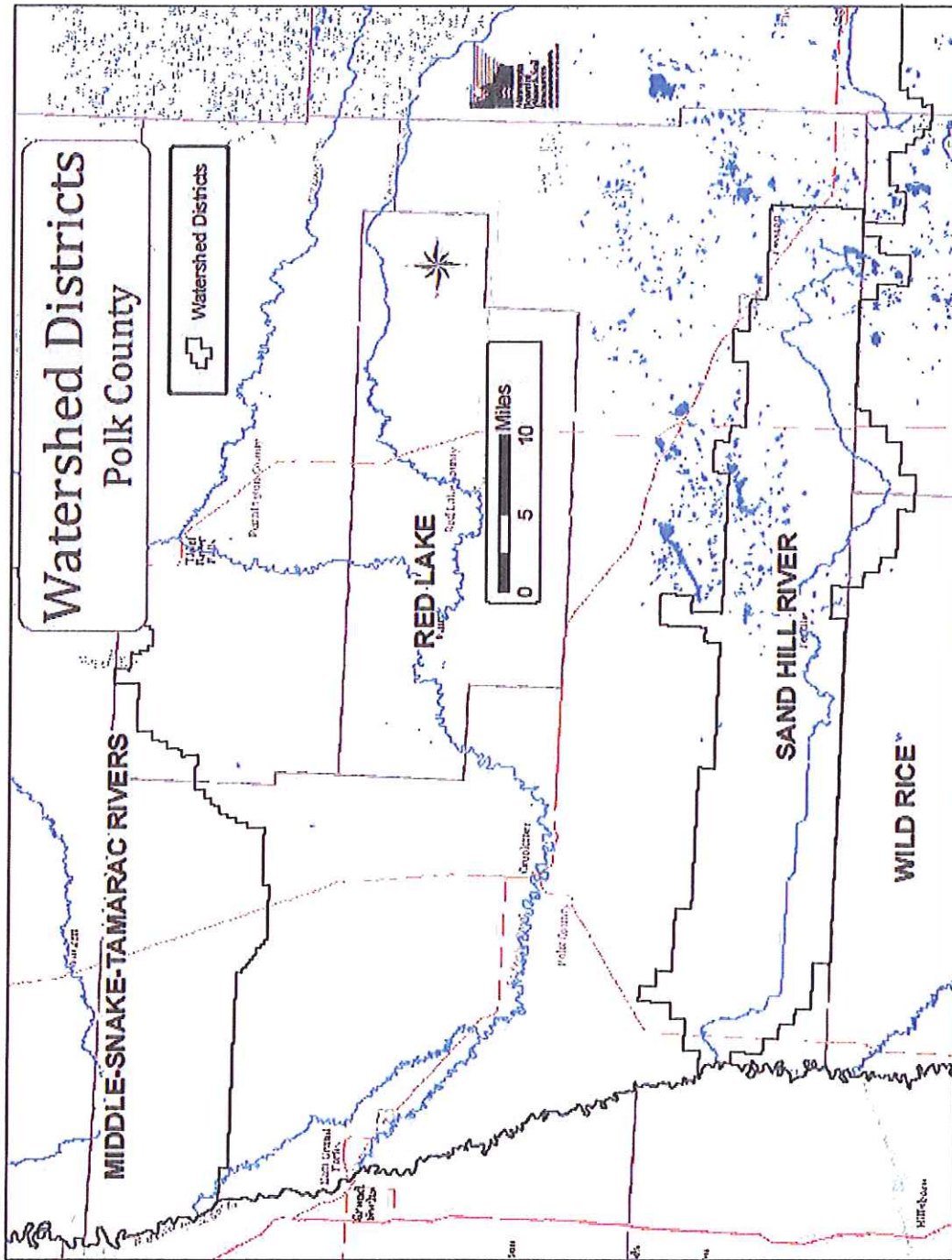
Consistency with Other Plans

In preparation of the Polk County Local Water Plan the most recent plans from several entities were examined to ensure consistency with their concerns. Major plans reviewed were the Sand Hill Watershed District Draft Watershed Management Plan and the Red Lake Watershed District Comprehensive 10 Year Plan. Local plans include Local Water Plans from adjacent counties, and local annual plans from SWCD's and Polk County Environmental Services. The Polk County Local Water Management Plan Update has utilized appropriate action items to support these plans and is consistent with goals and objectives presented in these plans.

The plan is also based on key economic and environmental principles, and is consistent with other plans that exist for Polk County, including Watershed Districts, Soil and Water Conservation Districts, Environmental Service agencies, Red River Valley Basin organizations, and appropriate state and federal agencies.

The plan also takes into consideration the adjacent County Local Water Management Plans in its water management strategies. All the river systems flowing through Polk County are influenced by watersheds that go beyond the jurisdictional boundary of Polk County, therefore to manage water on a watershed bases coordination with adjacent counties with common watersheds to Polk County will be required.

The four major watersheds that have drainage areas within the boundaries of Polk County include the *Grand Marais Creek*, *Red Lake River*, *Clearwater River Watersheds*, which are within the boundaries of the Red Lake Watershed District and the *Sand Hill River* which is the boundary for the Sand Hill River Watershed District. Having been an active participant in the updating processes of the Red Lake Watershed District Overall Plan, which was updated in 2006, and the Sand Hill River Watershed District Overall Plan in 2011 it is the intentions of Polk County Board of Commissioners and the Board of Supervisors for the West and East Polk SWCDs to recognize these Watershed District overall plans as a major reference documents for the implementation strategies for the priority concerns identified in the Polk County Local Water Management Plan. We support this approach based on the principles that water management is best managed on a comprehensive watershed basis. We realize we only make up portions of four of the sub-watersheds addressed in these 2 Watershed overall plans. We intend to reference these frequently as we proceed to implement local water management in our county.



NEW BUSINESS

1. Conservation Corps Minnesota & Iowa Apprentice Program – Len Price and James Adkinson - ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conservation Corps Minnesota & Iowa

Meeting Date: _____

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: _____

Contact: Steve Woods

Prepared by: Steve Woods

Reviewed by: John Jaschke Committee(s)

Presented by: Len Price and James Adkinson

☒ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ Other: _____

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

ACTION REQUESTED

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Conservation Corps of Minnesota and Iowa partners with BWSR for Clean Water Funding and the highly successful SWCD Apprentice Academy. The Apprentice Academy transfers knowledge from experienced professionals to the next generation of conservation managers. Real-world experience gained with SWCDs during their busy construction season is experience textbooks cannot convey. Len Price and James Adkinson will present the results of year one and address where the effort will go in 2012, 2013, and 2014.